

THE
REPUBLICAN JUDGE:
OR, THE
American Liberty of the Press,
X AS 11871 e 35
EXHIBITED, EXPLAINED, AND EXPOSED,
IN THE BASE AND PARTIAL PROSECUTION
OF
WILLIAM COBBETT,
For a pretended LIBEL against
The King of Spain and his Embassador,

BEFORE
THE SUPREME COURT OF PENNSYLVANIA.

WITH
AN ADDRESS TO THE
PEOPLE OF ENGLAND

BY PETER PORCUPINE.

SECOND EDITION.

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1798.



ADDRESS

TO THE
PEOPLE OF ENGLAND.

ENGLISHMEN,

SINCE your ancient and inveterate enemy, the French, have planned the destruction of your government, as the sure means of subje&ting you to their power, their wicked and detestable agents have used various arts to seduce you from that loyal attachment, which forms its principal bulwark. Amongst these arts, that of extolling the excellence of *Republican Governments* has not been omitted, and I wish I could say, it has been used without effect. At first, FRANCE was held up as the model for you to imitate ; but, *there*, facts soon gave the lye to the statements of her tools ; facts which they could not disguise, which spoke to you in the cries of misery, and in the shrieks of torture and of death. But, AMERICA was a more distant scene, and a scene too which the pencil of partiality had already painted in the most flattering colours. When, therefore, you were disgusted and shocked at the horrid view exhibited in FRANCE, *hither* your eyes were directed for *an example*.

I have often been astonished, that those writers, who have so ably stood forth as the champions of your

government and constitution, have never made more than very slight attempts to undeceive you in this respect. They have constantly confined themselves *to France*; but their opponents have replied (and with some degree of plausibility), that France was yet in an *unsettled state*; that *America* exhibited the happy effects of a *finished revolution*; that such France would be; and Britain also if revolutionized *into a republic*. Here the parties were fairly at issue, and the friends of your country had as good an opportunity as they could wish for, to beat their opponents on their own ground. But instead of accepting the challenge thus offered, they have forborne to push their advantage, and declined the contest, when certain of victory. Whence does this forbearance proceed? Is it from a spurious liberality, alike remote from genuine fortitude, and manly condescension; alike hostile to principle, and repugnant to duty? From whatever source it proceeds, its consequences are much to be deplored; for it tends to nothing less than a tacit admission, that the people of America enjoy more *liberty* and *happiness* than those of Great Britain: a concession dangerous in the extreme, and not less dangerous than weak and unjustifiable.

A long continued series of received and uncontradicted falsehoods cannot fail to produce an accumulation of prejudices, which it becomes extremely difficult to remove: and, as its removal can never be effected but by *facts*, it requires an assiduity and a toil, to which talents scorn to submit, and at the very sight of which genius takes her flight. Yet, there now and then arises, in our island, an obstinately persevering mortal, favoured neither by nature nor by education, regardless alike of interest and of fame, and destitute of every stimulus to action, except that love of his country which every true-born Englishman feels

in with his mother's milk:—such a man might undeceive you; and such a man am I.

To prove to you, that you are *happier and more free* than the people of America, and to do it by uncontrovertible *facts*, is what, with the permission of God, I pledge myself to perform. But this must be a work of time. The pamphlet which I here present you is nothing more than a trifling essay: a sort of introduction to what you have to expect. I beseech you, however, to read it with attention, and, as you proceed, lay your hands upon your hearts and say, if the proceedings it records had taken place in England, whether you would not have looked upon your King as a despot, and yourselves as the most degraded of slaves.

In nothing that I have said, do I wish to satirize the people of this country in general. There is as great a proportion of good men here as in England, a much greater proportion than there is any where else; but, they are borne down by thousands of aspiring demagogues, who are continually troubling the source, and interrupting the current, of their liberties and their happiness. To guard you against this evil; to caution you against the adoption of a mischief of such mighty magnitude, is the sole object I have in view. Were I a native American, to do this would be my duty. He who feels himself sinking into an abyss, and neglects to warn his neighbours of their danger, is justly accused of selfishness, if not of cruelty: but, he who is guilty of this neglect towards *his friends and his family*, is a rebel against nature, that merits the malediction of his parents, and the abhorrence of mankind.

PETER PORCUPINE.

Philadelphia,
April, 10th, 1798. }

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INTRODUCTION.

JUDGE M'KEAN, the Chief Justice of Pennsylvania, in his charge to the Grand Jury (of which the reader will see enough by-and-by), observed, that “*the liberty of the press* was a phrase “much used, but little understood.” This, in a *public servant*, as all the democratic officers call themselves, is making pretty free with the understanding of the sovereign people, and of a people to whom the Congress have declared *free and enlightened*, and would have declared the “*freeest and most enlightened in the world*,” had it not been for their desire “to avoid all *cause of offence*” towards the *free and enlightened French*.*

The Judge was certainly wrong. No people understand what the liberty of the press means better than the Americans do. No one knows so well how to estimate the value of a thing, as he who has long enjoyed, and then lost it. Had the Judge called the liberty of the press a thing much talked about, much boasted of, and *very little enjoyed*, I would most readily have subscribed to his assertion; for of all the countries under the sun, where *unlicensed* presses are tolerated, I am bold to declare, and the contents of this pamphlet will establish the truth of my declaration, that none ever enjoyed less

* See *Censor* for December, 1796, for a full account of this humiliating business.

real liberty of the press than America has for some years past.

I do not say that this liberty has been abridged by any positive law; on the contrary, I know well, that several of the state constitutions hold out a something (not very intelligible to be sure) that would seem to extend the liberty of printing beyond the limits prescribed by the English law. Nor do I pretend, that this dangerous abridgement of American freedom is to be attributed to the change, which the revolution has produced in the name and nature of the government. I will not, for a moment, be said to insinuate, that the press is become not free, merely because the government is become *republican*. No; I think, the people, when they adopted this form of government, expected, as they certainly *were led to expect*, an extension of this, and every other important branch of their liberties. What I contend for is, that, somehow or other, this liberty has been abridged; the exercise of it, either by popular prejudice, by the influence of party, the fear of mobish violence, or of governmental tyranny, has been, and yet is, most shamefully and disgracefully *restrained*.

To enter into the causes which have produced this fatal effect, would be to revive the remembrance of what I wish may ever remain buried in oblivion. I will therefore content myself with *proving the fact*; and to do this to the satisfaction of every candid mind, I need go no farther back than my own times.

When I first came to Philadelphia, I was charmed with the literary liberty which its inhabitants seemed to enjoy. I saw pamphlets in every window, and newspapers in every hand. I was, indeed, rather surprised to find, that those pamphlets, and these newspapers were, something like *a certain Judge* that I had heard of, *all on one side*: but, said

I to myself, this must be the fault of the authors and editors; and it leaves the more room for such as have a mind to write on the other side. With this agreeable but delusive notion in my brain, I sat down contented under the calamity of reading daily, in common with my poor fellow citizens, about eighteen or twenty long columns of the vilest and most insipid trash that ever was stamped upon paper.

Long did I hope, and expect to see something like a manly and effectual opposition to this flood of falsehood and partiality; but I hoped and expected in vain. At last, it was *my* fate to enter the field. I had long felt a becoming indignation at the atrocious slander that was continually vomited forth against Great Britain; and the malignancy of Priestley and his addressers at New York brought it into action.

The **OBSERVATIONS** on the emigration of this restless and ambitious demagogue contain, as I have elsewhere remarked, “not one untruth, one ‘anarchical, indecent, immoral, or irreligious expression;’ yet, when I came to offer it for the press, the bookseller was afraid it was not *popular enough*. He was far, as he said, from disapproving of the work; but it was *too much in favour of Great Britain*; and on this account he thought it would endanger his *windows*, if not his *person*.

This man’s fears seemed to me perfectly absurd. The pamphlet said not a word in praise of Great Britain, generally. Indeed, policy had led me to speak rather harshly of that nation in one passage or two; and so evident was this, that the *British Critics*, though they pay the author compliments far beyond his merit, cannot forbear to lament, they say, that so enlightened a mind should still harbour *a rancour so implacable*. These people, though certainly not less penetrating than *Goosy Tom*

in the common affairs of literature, would have laughed at the idea of broken windows and basted carcases.

However, notwithstanding the ridicule, which this remark of the BRITISH CRITICS is calculated to throw on the apprehensions of my bookseller, now the *worthy partner* of LLOYD, subsequent events have proved, that those apprehensions were not entirely groundless: for, although he did publish several succeeding pamphlets from the same pen, without incurring a penalty of any kind, yet no sooner was the *real author* known, than he began to see, and to feel too, that BRADFORD understood the *American liberty of the press* far better than he did.

During the publication of the rest of the pamphlets that issued from BRADFORD's, I had often to contend with his scruples and his fears. In particular, I remember, that my calling the French minister ADET no *Christian*, was very hard to be surmounted. The French had openly and most blasphemously *abolished the Christian religion*; and the Convention, who had sent out this ambassador, had even formally *denied the existence of a God*; yet so high was this bookseller's notions of the *liberty of the press*, that he was afraid to publish a sentence in which the French minister was said *not to be a Christian*! If as much had been said of the English minister, though false, he would, I am pretty confident, have had no scruples at all.

It was no sooner discovered that I was PETER PORCUPINE, and that I had taken the excellent house and shop, that I now occupy, in order to carry on the bookelling and printing busines, than the French faction began to muster their forces, and put themselves in battle array. Several infamous publications appeared in BACHE's paper, declaring

me to be a *deserter, a felon, a thief*, who had fled from the *gallows, &c. &c.*

Strong in my innocence, I steadily pursued my course, and, thank God, my steadiness was attended with success. Stung by the contempt with which I treated these abominable attempts on my character, another mode of injuring me was fallen upon. A threatening letter was conveyed under the door of my landlord, the base object of which the letter itself will best explain. It is a performance that should ever find a place in a work that treats of the "*un-restrained liberty of the press.*" Here it is.

" *To Mr. John Oldden, Merchant,*

" *Chesnut Street.*

" *SIR,*

" A certain William Cobbet, alias " Peter Porcupine, I am informed is your tenant. " This daring scoundrel, not satisfied with having " repeatedly traduced the people of this country, " vilified the most eminent and patriotic characters " among us, and grossly abused our allies the French, " in his detestable productions, has now the *astounding effrontery* to expose those very publications at his window for sale, as well as certain " prints indicative of the *prowess of our enemies the British, and the disgrace of the French.* Calculating largely upon the moderation, or rather pusillanimity of our citizens, this puppy supposes he " may even insult us with impunity. But he " will ere long find himself dreadfully mistaken. " Though his miserable publications have not been " hitherto considered worthy of notice, the late " manifestations of his impudence and enmity to " this country will not be passed over. With a " view, therefore, of preventing your feeling the " blow designed for him, I now address you.

“ When the time of retribution arrives, it may not
 “ be convenient to discriminate between the inno-
 “ cent and the guilty. Your property, therefore,
 “ may suffer. For, depend upon it, brick walls
 “ will not skreen the rascal from punishment *when*
 “ *once the business is undertaken.* As a friend,
 “ therefore, I advise you to save your property, by
 “ either compelling Mr. Porcupine to *leave your*
 “ *house*, or at all events oblige him to *cease expos-*
 “ *ing his abominable productions*, or any of his
 “ *courtly prints*, at his window for sale. In this way
 “ only you may avoid danger to your house, and
 “ perhaps save the rotten carcase of your tenant
 “ for the present.

“ A HINT.”

“ July 16, 1796.”

It will be remembered, that I instantly published this letter, accompanied with comments, in which I set the authors (for there were many) at defiance; but I did not mention then a circumstance that it is proper I should mention now. There was, on the morning in which I received the letter, one of the judges in my shop.* I showed it him, and apprized him of my intention of publishing it in the manner I afterwards did; but he advised me against it, for *fear of the consequences.* This proves his opinion with respect to the *protection* the liberty of the press would receive in Philadelphia.

No violence, however, did succeed. But the election for members of Congress was approaching; and, as the *free* men would then be assembled, it was feared by my friends; indeed, it was generally

* JUDGE RUSH, a very excellent man, and to whom I can pay no higher compliment, than to say, that he is the exact opposite of his brother, the sneaking, trimming *doctor.*

understood, and publicly talked of, that on the election night, *my house was to be gutted*. And, lest the *sons of liberty* should be uninformed of the business, and consequently unprepared for it, the same wretch BACHE (the grandson and pupil of Old FrankJ'n) reminded them of it by an inflammatory publication, signed **AN AMERICAN**, which, after a series of the most atrocious falsehoods, concludes thus:—“ while I am a friend to the *unlimited freedom* of the press, when exercised by *an American*, I am an implacable foe to its prostitution to *a foreigner*, and would at any time assist in hunting out of society any meddling foreigner, who should dare to interfere in our politics. I hope the *apathy* of our brethren of Philadelphia will no longer be indulged, and that an *exemplary vengeance* will soon burst upon the head of such a presumptuous fellow.—*Justice, honour, national gratitude*, all call for it—May it no longer be delayed.

“ *An American.*”

The American who can read this without blushing is an object of contempt, of scorn; a neutralized animal that has no idea of national honour, and that would sell his country, were it in his power, for a single Louis d'or. Yet such there are, and in abundance too.

A publication like this, the direct and avowed object of which was, to instigate the *free men* to devastation and *murder*, should, one would think, have been noticed by the magistrates, particularly under the eye of a *Chief Justice*, whom we shall by-and-by see so zealous and so watchful. But, no. It attracted the attention of no one, or at least no one took any measures to prevent the intended assault. My house and my family might have been burnt to ashes; we might all have been dragged

into the street and murdered ; and, I sincerely believe, not so much as a constable would have held up his staff to arrest the assassins. We were, however, prepared for their reception. We should not have fallen unrevenged. Some of their souls would have taken their departure from my door-way on their journey to hell.

It is here that I ought to, and that I do with pleasure, acknowledge the generosity of several gentlemen of the city (many of whom I never saw), who I was afterwards assured, had formed the resolution to summon the magistrates, and to come to my aid in person. One gentleman in particular, whom I did not then know even by name, went in disguise among the groups of *free* men to endeavour to find out their intention. I wish I *durst* name him now ; but my *gratitude* to him forbids me to do it. When *liberty* comes to this pitch, I think it ought to assume some other name.

But, what was the most shameful, and what is most directly to the point before us, was, this audacious, this cut-throat attack on the liberty of the press, was suffered to pass unnoticed, not only by all the other presses in this city, but by all the presses on the continent. There are, perhaps, two or three hundred news-papers published in the United States, and not one of them has ever whispered a word in condemnation of it, from that day to this.

If, however, it was proper to destroy me ; if "*justice, honour, and national gratitude*" demanded my blood for exercising the liberty of the press, that same "*justice, honour and national gratitude*" did, it seems, require my enemies to exercise that liberty in *perfect safety*. No less than seven pamphlets were, in this city, published against me in the space of ten days. It is a pity they cannot now be found above ground. Had they lived, they

would have been a lasting honour to the country that gave them birth, and particularly to the *equal* laws and *impartial judiciary* that tolerated them. They were, all together, a composition of brutality, slander, and villainy of every sort and description, that would have disgraced hell itself. The anonymous scoundrels who wrote them vied with each other in baseness and atrocity; and one of them, who seemed resolved to have the pre-eminence in infamy, and for whose crime the law affords no adequate punishment, insinuated *that my wife was a whore!* And all this, only because I had written with success against a nefarious French faction. This is *American liberty of the press.*

Were I to set about recounting all the instances of persecution I have experienced; all the menaces I have received; all the vexations through the channel of the post-office, &c. &c. I could fill fifty volumes like this. The written threats, which I have now by me, to assassinate or poison me, or fire my house, amount to some hundreds. Nor is this species of baseness confined to this city, or this state. There is hardly a post mark of an American town, which I cannot, and which *I will not*, shew stamped on some infamous production, intended, in some way or other, to restrain the liberty of my press.

I shall wind up this series of injuries, of base machinations and brutal outrage, that have been attempted against me, with an anecdote, which cannot fail to give the reader a high opinion of the decency, candour, and justice to be met with in Pennsylvania. A great beef-headed, purblind creature, that calls itself a young lawyer, and whose pleading bears an infinite resemblance to the bleating of an overgrown calf, observed to the chief judge, just before the court sat, that it was quite wrong to honour me with a *legal* punishment; and that, if I had censured him, as I had done some

other of the *patriots*, he would have clapped a pistol to my *breast*, and blowed my *brains* out!—There now, leaving the *bull* aside, is a noble sentiment for you! What sort of justice has a man to expect, where such language can, *in such company*, be held with impunity?—However, I will never fly to the law to shelter me from the vengeance of this bellowing animal, who, instead of standing *erect* before the bench, ought to be placed on all fours before a rack and manger. I will never fly to law, or to any thing else, to shelter me from the soft horns of this half-grown, blinking, bloated cornuto *.

I should now enter into a recital of the persecutions, of various sorts, which other printers, not devoted to the French, have experienced; but this would lead me too far. I cannot, however, omit noticing one remarkable instance of *Republican liberality and justice*.

“ *Richmond, Virginia, April 4, 1794.*”

“ About two weeks ago, a piece was published
“ in the *Virginia Gazette*, requesting all true re-
“ publicans to wear the *national cockade*, in honour
“ of *France*, which it seems was not well received
“ by the aristocrats. The next day another piece
“ came out, in another of your papers, signed,
“ *A foe to distinctions*,” ridiculing the measure,

* Since the above was written, I have been informed, that the scene of this convention was, over a bottle, at Newtown, in Bucks county. The judge said, that all would go on well enough in Pennsylvania, if that *damned rascal* PETER PORCUPINE could be *got rid of*; upon which young Sergeant, the lawyer, replied, that he would not mind shooting me. “ Well said, *BILLY*,” exclaimed *his honour*, “ and I would stretch the law as far as it would go to acquit *you*.” If *LORD KENYON* were to make use of such declarations, what would the people of England say? But they, are *slaves*; they know nothing of our *republican liberty*, and I pray God they never may!

" comparing those citizens who adopted it to
 " fools and madmen, which so irritated the *republi-*
 " *can party*, that some of them waited on the
 " printer, and demanded the author. He told
 " them he did not know who he was, and would
 " go before a magistrate and *take his oath of*
 " *it*. I assure you he was *greatly alarmed* on the
 " occasion, and I think has lost much of his interest
 " by it. They were not satisfied at this; but, in
 " the evening, erected a *gallows*, fixed it on a wag-
 " gon carriage, hung the poor fellow up in effigy,
 " and paraded through the streets beating the
 " *rogue's march*. At last they stopped before the
 " post-office door, and burnt him with repeated
 " shouts and huzzas. I am confident, if they
 " could have found the author, he would have suf-
 " fered the *same fate* as the effigy; at least they
 " would have complimented him with a suit of
 " *American manufacture*, extracted from the *lofty*
 " *pine*, and the filling taken from a *goose*. You see
 " what the Virginians *dare* do—what they do to
 " enemies of *liberty*—and I sincerely hope all who
 " are inimical to the cause of *America, or France*,
 " may meet a similar reward."

This extract is taken from BACHE's paper, No. 1044; and the circumstances of the base transaction that it recounts were pretty exactly as it describes them. The printer was exhibited as a *rogue* that merited to be *hung* and *burnt*; and his author, if found, would have actually suffered this ignominious fate: and all this for writing and publishing—what? A sensible essay, advising the people not to make themselves appear like fools and madmen, by adopting the fantastical fopperies, or rather by ranging themselves under the colours, of a *foreign nation*! Will any one pretend to say, that, in a country where such unjust, tyrannical, and inhuman proceedings could take place, and pass unpunished and

unnoticed by the civil power; will any one have the effrontery to say, that, in such a country, there is any thing worthy of being called, *the liberty of the press?*—But, no more. It is mere mockery to talk of it *.

Now, in answer to all this, some precious villain, deep learned in the jargon of the *Rights of Man*; or some temporizing driveller from the canting school of *modern republicanism*; some infamous BACHE, or trimming NOAH WEBSTER, will tell me that nothing which I have here advanced, tends to prove the pres^s to be in thraldom. They will say, that so long as it remains unshackled by *the law*; so long as *the law* does not invade its liberty, it is *free*. No; it is not so. The law is made to *protect* the weak and the injured, as well as to punish the guilty. The law which declares, that a man shall have such or such a right, guarantees to him the *enjoyment* of that right: therefore, the law which says, that “*the printing presses shall be free*,” pledges the faith and honour of the nation to *protect them in the exercise of their freedom*; and to fail in yielding them this protection, is as much a breach of the national faith as the actual invasion of this freedom by the law; for, where is the difference to the printer, whether the law itself restrain his pres^s, or suffer it to be restrained? I think I hate *a tyrant* (and I think *I have reason*) as much as most men do; but I would much rather a tyrant should order my rights to be suppressed, than have them

* In this second edition I shall add one more instance, taken from the *Lynchburgh Virginia Museum*, of Feb. 19, 1798. “The ruffian hand of disordered ignorance has been, but yesterday, threatened to be uplifted against age, honesty, *private opinion*, order and law! Will it be believed that the father of the Lynchburgh printer has been publicly menaced with the *Guillotine*, at the *late Campbell court*, because of opinions contained in his son’s paper! Such a daring outrage against the *freedom of opinion* and the *Press*, stands unrivaled even under the most tyrannical despotism.”

rifled from me by his tools, a brutal and ferocious mob:

For want of this so necessary protection it is, that the infernal French faction have, aided by certain men in power in most of the State Governments, gotten the *real* liberty of the press into their possession, to the almost general exclusion of their opponents. For want of this protection it is, that the friends of Federal Government have been abashed, humbled, silenced, and, in many instances, induced to *change fides*: and, it is for the want of this protection, that we at this moment see such numbers of insipid, tame, and trimming papers, which, under the cowardly guise of *impartiality*, are a disgrace to literature, a dishonour to the country, a clog to the government, and a curse to the people.

I have now, I think, and in pretty plain language too, proved, that, some way or other, the liberty of the American press has been most scandalously attacked and restrained, notwithstanding the *law* declares, *it shall be perfectly free*. What the law itself, and those who administer that law, are capable of performing in this way, under the *free*, and *equal*, and *lenient*, and *humane* government of poor Pennsylvania, it is the object of the following pamphlet to expose to a deceived and infatuated world; but, more particularly to the duped inhabitants of *Great Britain and Ireland*.

A M E R I C A N
LIBERTY OF THE PRESS, &c. &c.

WHEN I undertook to publish a daily paper, it was with the intention of annihilating, if possible, the intriguing, wicked, and indefatigable faction which the French had formed in this country. I was fully aware of the arduousness of the task, and of the inconvenience and danger to which it would expose both me and mine. I was prepared to meet the rancorous vengeance of enemies in the hour of their triumph, and the coolness of friends in the hour of my peril; in short, to acquire riches seemed to me quite uncertain, and to be stripped of every farthing of my property seemed extremely probable; but let what would happen, I was resolved to pursue the object which I had in contemplation, so long as there remained the most distant probability of success.

Among the dangers which presented themselves to me, those to be apprehended from the severity of the law appeared the most formidable; more especially as I happened to be situated *in the State of Pennsylvania*, where the government, generally speaking, was in the hands of those, who had (and sometimes with great indecency) manifested an uniform partiality for the sans-culotte French, and as uniform an opposition to the ministers and measures

of the Federal Government. These persons I knew I had offended by the promulgation of disagreeable truths ; and, therefore, it was natural, that I should seek for some standard as a safe rule for my conduct with respect to *the liberty of my press*.

To set about the study of the law of *libels*, to wade through fifty volumes of mysterious tautology, was what I had neither time nor patience to do. The English press was said to be *enslaved*; but, when I came to consult the practice of this enslaved press, I found it still to be far *too free* for me to attempt to follow its example. Finally, it appeared to me to be the safest way, to form to myself some rule founded on the liberty exercised by the *American press*. I concluded, that I might, without danger, go as great lengths in attacking the enemies of the country as others went in attacking its friends : that as much zeal might be shown in defending the general government and administration as in accusing and traducing them : and that as great warmth would be admissible in the cause of virtue, order, and religion, as had long been tolerated in the wicked cause of villainy, insurrection, and blasphemy. Whatever rancour might be harboured against me in the breasts of particular persons, I depended on *shame* to restrain the arm of power from partiality ; I thought no officer or officers of state, would, in this country, dare to act towards an honest man with a rigour which had never been experienced by the vilest of miscreants. Alas ! " all this I thought, and all I thought was " wrong ;" as the following sheets will most clearly evince.

Before I enter on the account of the groundless prosecution which this arbitrary state government has compelled me to sustain, it is necessary to notice some steps that were taken by my enemies previously thereto.

Some time in the month of August last, the Spanish minister Don Carlos Martinez de Yrujo applied to the Federal Government to prosecute me for certain matters published in my *Gazette*, against himself and that poor unfortunate and humbled mortal, Charles the fourth, King of Spain. The government consented, and I was accordingly bound over, before the honourable Judge Peters, to appear in the Federal district court, which will meet next April.

Of this preparatory step to *a fair and impartial trial* the Don was informed. But, it would seem, the information was far from being satisfactory to him ; for, he delivered in a memorial to the Federal Government, requesting that the trial might come on before the Supreme Court of Pennsylvania, of which court *M'Kean is Chief Justice*.

This is the place to give some account of this *Republican Judge*.

His Grandfather was an Irishman, who *emigrated* by the consent of his Majesty and *twelve good and true men*. He himself was born in the State of Delaware, and was for some years an *hostler* at the inn lately kept by Mrs. Witheys, at Chester. He was successively, a Constable, a Sheriff, a Justice of the Peace, and a Pettifogger, in which last capacity the Revolutionists found him a man fit for their purposes. After having seen MARAT a legislator, and DANTON a minister of justice, in France, no one will be surprized that M'KEAN should have become a Congress-man and Chief Justice of Pennsylvania, during the American Revolution. Of the character he exhibited in those times the reader may judge by the following extracts from "SMYTH'S TOUR in the United States." SMYTH was an old English Officer, settled in Virginia, very much attached to the Royal Cause. He was driven from his home, taken prisoner, and confined, as a *spy*, merely because the Congress feared the effect of his zeal and his talents. The cruelties he endured at Philadelphia are almost beyond imagination ; and this brings us to his character of M'KEAN. In a letter, dated Dec. 17th, 1778, addressed to the Congress, after having described the savage treatment he and his fellow-prisoners had received, and the horrid situation in which they were, when their dungeon was inspected by a Committee of Congress, he says, " At " the same time, I must do three of your Members the justice to say, " that they behaved with politeness, and appeared much shocked at " our treatment : but the injurious, cruel measures of the persecuting,

" violent incendiary M'KEAN, overpowered moderation and humanity." Thus has he ever been. It was he who was guilty of the legal murder, committed on the two Quakers, ROBERTS and CARLISLE : he has been a persecutor of this inoffensive sect from that day to this : he was the principal promoter of all the cruel laws and confiscations in Pennsylvania, and he *now lives in a confiscated house*. He was, in a word, the *Fouquies TINVILLE* of America. His private character is infamous. He beats his wife, and she beats him. He ordered a wig to be imported for him by Mr. KID, refused to pay for it, was sued before the Mayor's Court, the dispute was referred to the Court of *nisi prius*, where (merely for want of the *original invoice*) which KID had lost, the Judge came off victorious ! He is a notorious drunkard. The whole bar, one lawyer excepted, signed a memorial to the Legislature, stating, that so great a drunkard was he, that, *after dinner, person and property were not safe in Pennsylvania*. He has been horsewhipped in the City Tavern, and kicked in the street, for his insolence to particular persons ; and yet this degraded wretch is *Chief Justice of the State* ! Why the Spanish Minister was anxious to get PORCUPINE tried before him is plain. It was well known, that he harboured a mortal rancour against him for the just censure he had received at his hands ; and it is now known, that this very Spanish Minister, a most contemptible animal, is to be *married to his daughter* ! These were the reasons why the Federal Government were requested to suffer the cause to be tried before M'KEAN, and why a new prosecution was set on foot.

If this Pamphlet should ever be read by the people of England, I beseech them to compare the character of this *Republican Judge*, with that of *their own Judges*.

Thus foiled in the grand object, a new scrutiny was, without much regard to decency, set on foot ; new pretended libels were hunted out ; and, an application to prosecute me was made to the government of Pennsylvania. It is hardly necessary to say that consent was speedily obtained. A bill of indictment was prepared by the Attorney General of the state, and a warrant, of which the following is a copy was issued to seize me.

Pennsylvania ss.

(Seal.)

The Commonwealth of Pennsylvania to the Sheriff of the County of Philadelphia, to the Constables of the City of Philadelphia, and to all other OUR Ministers and Officers within OUR said City and County, Greeting.

For as much as the Chief Justice of OUR Supreme Court is given to understand by the information, testimony, and com-

plaint of credible persons, that WILLIAM COBBETT of the City of Philadelphia, printer, is the printer and publisher of certain infamous and wicked libels against his Catholic Majesty the King of Spain, the Chevalier Charles Martinez de Yrujo, envoy extraordinary and minister plenipotentiary of his said Catholic Majesty to the United States of America, and of the Spanish nation, contained in public journals, or news-papers called PORCUPINE'S GAZETTE, numbers 114, 115, 121, 127, 156, 160, 163 and 180, in the said City of Philadelphia, tending to defame the said King, envoy and minister, and the subjects of the said King, to alienate their affections and regard from the government and citizens of the United States of America and of US, to excite them to hatred, hostilities and war against the said United States.

Therefore WE command you, and every of you, that some, or one of you attach the aforesaid WILLIAM COBBETT, so that you have him as soon as he can be taken before OUR said Chief Justice, to answer US of the premises, and be further dealt withal according to law:—And have you there then this precept. Witness the Honourable Thomas M'Kean, Doctor of Laws, Chief Justice of OUR Supreme Court, at Philadelphia, the Eighteenth day of November, in the Twenty-second year of the *Independence* of the United States of America, and in the year of our Lord one thousand seven hundred and and ninety-seven.

THOMAS M'KEAN.

True Copy.

Jos. Thomas, }
Nov. 18, 1797. }

If I did not well know, that all instruments of this kind, coming from under the hand and seal of a *Republican Judge*, are, by privilege immemorial, exempted from the lash of criticism, I should most certainly be tempted to try my hand on the warrant.—For instance: the Commonwealth is called us, and this may be proper enough, as the Commonwealth, in the modern cant, means the *citizens thereof*. But, what shall we make of the passage, where it is said, that I endeavoured to alienate the affections of the Spaniards from the citizens of the United States and of us; that is, from the

* Republicans, you see, can take titles as well as other people.

citizens of the United States, *and from the citizens of us*; and this last sentence means, *from the citizens of the citizens of the Commonwealth!* In the name of mercy what is all this! Is the form intended to convey a notion, that the citizens of Pennsylvania have *other citizens* under their controul and government; or that the citizens of the Commonwealth are *their own citizens*, and that we govern us?—A projector some few years ago received a *prize medal* from the philosophical society of Philadelphia, for having invented an *American language*. I wonder if this warrant be a specimen of it?

But, let us return to more solid matter.

The trifling circumstances attending an arrest and giving bail are scarcely worth relating: but, sometimes, trifling circumstances serve to convey a more correct idea of the character of the parties concerned in a transaction, and to guide the reader to a more just appreciation of their motives, than the longest and most laboured general account of their conduct.

The Sheriff (whose civility and candour I have every reason to applaud) came to my house, for the first time at twelve o'clock; and he was ordered to have me before the Judge at half past one. Thank God, I am not versed in arrests; but, I believe, this is the first time, that ever a man, prosecuted for a libel, was pinned down to the short space of *an hour and a half* to prepare for going out and to procure himself bail. The English reader (for this pamphlet shall be read in England) will observe, that this government of Pennsylvania, is that which is everlastingly boasting of the *mildness* and *humanity* of its laws.

I was not so destitute of friends as, perhaps, the Judge expected I was. Bail was procured, and we were before him at the appointed time.

He asked us to sit down. I seated myself on one side of the fire, and he on the other. After he had talked on for some time to very little purpose (at least as to the effect his talk produced on me), he shewed me certain newspapers, and asked me if *I had printed and published them*. To this I replied, *that the law did not require me to answer any questions in that stage of the business, and that, therefore, I should not do it*. At this reply, though a very prudent and a very proper one “he waxed “*exceeding wroth*.” He instantly ordered me to get off my chair and stand up before him, though he himself had invited me to sit down. This species of resentment, so becoming in a Judge, excited in my mind no other sentiments than that which I dare say it has already excited in the mind of the reader.

The next document, which follows in due course, is THE BILL OF INDICTMENT; the IGNORAMUS Bill of Indictment.—Go over it with attention, I beseech thee, reader; or else, take my word for it, you will be just as wise when you have done as you are now. You must have your eyes well about you; keep a sharp look out for parentheses and quotations; and, above all, you must *hold your breath to the bottom of a paragraph*; if you can’t do this, you will no more understand it than you would the croaking of a frog or the cackling of a goose.—Therefore, again I say, attention.

OVER AND TERMINER; November Sessions, 1797.
Philadelphia County ~~ss.~~

The Grand Inquest of the Commonwealth of Pennsylvania, upon their oaths and affirmations respectively, DO PRESENT: That WILLIAM COBBETT, late of the city of Philadelphia, in the County of Philadelphia, Yeoman, being a person of a wicked and turbulent disposition, and maliciously designing and intending to vilify and defame the person, character, and government of His Catholic Majesty, Charles the fourth, King of Spain, and to disturb

and destroy the peace and amity and concord, *now happily subsisting* between the same and the United States of America; and also, to vilify and defame the person and character of Don Carlos Martinez de Yrujo, the minister plenipotentiary and envoy extraordinary from His Catholic Majesty, the said King of Spain, to the United States, ON the seventeenth day of July, in the year of our Lord one thousand seven hundred and ninety seven, at the City of Philadelphia, in the County aforesaid, wickedly and maliciously did print and publish, and cause to be printed and published, a certain *scandalous, false, and malicious libel*, of and concerning His Catholic Majesty the said King of Spain, and of and concerning the said Don Carlos Martinez de Yrujo, the said minister plenipotentiary and envoy extraordinary from His said Majesty to the United States, in a certain news-paper called **PORCUPINE'S GAZETTE**, which said news-paper was then and there printed and published by the said **WILLIAM COBBETT**, and in the form of observations signed by *an old soldier*, and directed and addressed for **PORCUPINE'S GAZETTE**; in which said libel are contained among other *things and expressions*, divers of false, feigned, scandalous and malicious matters, according to the *tenor* following, to wit:—“Ever since Spain has been governed by princes of the Bourbon family, the Spanish name has been disgraced in peace and in war; every important measure has been directed by the crooked politics of France—This connection, like the obscene harpies of old, contaminates whatever it touches. But never has this been so conspicuous as in the present reign; and more especially at the present period. The degenerate prince that now sways the Spanish sceptre [thereby, meaning His Catholic Majesty, the said King of Spain] whom the French [the French Republic meaning] have kept on the throne merely as a trophy of their power, or as the butt of their insolence, seems destitute not only of the dignity of a king, but of the common virtues of a man; not content with allying himself to the murderers of a benevolent prince who was the flower of his family, he [His Catholic Majesty the said King of Spain meaning] has become the supple tool of all their [the said French Republic meaning] most nefarious policies. As the Sovereign [His Catholic Majesty the said King of Spain meaning] is at home, so is the minister abroad, [meaning the said Don Carlos Martinez de Yrujo, the said minister plenipotentiary and envoy extraordinary from His said Catholic Majesty, the said King of Spain, to the United States] The one [meaning His Catholic Majesty the said King of Spain] is governed like a dependent, by the nod of the five despots at Paris; and the other [meaning the said Don Carlos Martinez de Yrujo, the said minister plenipotentiary from His said Catholic Majesty] by the directions of the French Agents in America. Because those infidel tyrants [The French Republic and their agents meaning] bad thought proper to rob and insult this country and its government, and we have thought proper, I am sorry to add, to submit to it the obsequious imitative

“ *Don* [The said Don Carlos Martinez de Yrujo meaning] must attempt the same; in order to participate in the guilt, and lessen the infamy of his master’s.” [The French Republic and their agents meaning.]

AND ALSO; the said WILLIAM did then and there, in the same news-paper, and connected with the libel aforesaid, print and publish the false, feigned, scandalous, and malicious words and matters, according to the tenor following, to wit:

“ *In the present state of things, the independence of the United States is little more than a shadow; it [the independence of the United States meaning] is really not worthy what it cost to acquire and support it; and unless a stop can be put to the progress of faction and foreign interference* [the interference of the said Don Charles Martinez de Yrujo, and the government of his said Catholic Majesty meaning] *instead of a blessing, it [the independence of the United States meaning] will ere long be a burden, which even the vassals of Prussia would not take off our hands as a gift.*”

AND the Grand Inquest aforesaid, upon their oaths and affirmations aforesaid, do FURTHER PRESENT; that the said WILLIAM COBBETT, being as aforesaid, and designing and intending as aforesaid, On the twenty-fourth day of July, in the year aforesaid, at the City and County aforesaid, wickedly and maliciously did print and publish, and cause to be printed and published, a certain other false, scandalous, and malicious libel, of and concerning the said Don Carlos Martinez de Yrujo, th: said minister plenipotentiary and envoy extraordinary from the said King of Spain to the said United States, in the form of a communication, in which said last mentioned libel are contained, the false, scandalous, and malicious matters and things, according to the tenor following, to wit: “ *after such examples, how can it be wondered at, that an advertisement should appear in our public prints, giving notice of a swindling assignment of his estate by a member of Congress, in the vicinity of the Capital, for the purpose of defrauding his creditors, or that our people should join the French marauders, and pillage the property and threaten the lives of their defenceless countrymen, under the flag of those pirates, or that we [the people of the United States meaning] are so abused and humbled to submit with patience to the public insults of a frivolous Spaniard, half Don and half Sans-culotic.*” [meaning thereby the said Don Carlos Martinez de Yrujo, minister plenipotentiary and envoy extraordinary as aforesaid.]

AND the Grand Inquest aforesaid, upon their oaths and affirmations aforesaid, further do present, that the said William Cobbett being as aforesaid, and designing and intending as aforesaid, On the thirty-first day of July, in the year aforesaid, at the City and with-

in the County aforesaid, wickedly and maliciously did print and publish, and cause to be printed and published, a certain other false, scandalous, and malicious libel, of and concerning the said King of Spain, and of and concerning the said Don Martinez de Yrujo, the said minister plenipotentiary and envoy extraordinary of the said King of Spain to the said United States, in which said last mentioned libel, among other things, divers false, scandalous and malicious matters are contained, according to the tenor following, to wit:—
 “What will his magnanimous majesty say, when, by the result of Don
 “Yarico’s [the said Don Carlos Martinez de Yrujo meaning]
 “conspiracy with Blount [meaning a conspiracy, or crime, for
 which WILLIAM BLOUNT, heretofore a Senator of the United
 States, was impeached by the House of Representatives of the United
 States, and expelled from the Senate thereof] and his appeal to the
 “people, and this political puppet [the said Don Carlos Martinez
 de Yrujo meaning] shall have brought on a war with America: when
 “the standard of liberty shall be unfurled on the isthmus of Darien;
 “then his Majesty [his said Catholic Majesty the King of Spain
 meaning] may perhaps find the free-born sons of America are not
 “that dastardly race of cowards, which the submission to the insults of
 “his [the said King of Spain meaning] treacherous and piratical
 “ally [the Republic of France meaning] had taught him to believe
 “them;”—to the great scandal and infamy of his Catholic Majesty
 the King of Spain, of his government, and the said Don Carlos
 Martinez de Yrujo, minister plenipotentiary and envoy extraordinary
 from his said Catholic Majesty the said King of Spain, to the
 evil and pernicious example of all others in the like case offending
 against the act of assembly in such case made and provided, and
 against the peace and dignity of the commonwealth of Pennsylvania.

JARED INGERSOLL.

Atty. General.

W I T N E S S E S.

* Hon. THOMAS M'KEAN, Esq.	sw. exd.
Dr. CHARLES CALDWELL,	sw. exd.
Dr. JOHN R. COXE,	sw. exd.
WILLIAM BRADFORD,	sw. exd.
WILLIAM MITCHELL,	sw. exd.
ISAIAH THOMSON,	sw. exd.
PATRICK DELANY,	sw. exd.
EZRA SERGEANT, at present in Virginia, therefore cannot be examined.	

* Thus the Judge himself was one of the witnesses against me. The three persons, whose names follow his, were known to be my mortal enemies, and, for the rest, they dipped into the bottom of my own family!—Was this ever done in England?—No, no, no: never, never.

STACY BUDD, affirmed, exd.
ARCHIBALD BARTRAM, affirmed, exd.

IGNORAMUS.

William Coats, Foreman.

I. EDWARD BURD, Prothonotary of the Supreme Court of the Commonwealth of Pennsylvania, and Clerk of the Courts of Oyer and Terminer and general Goal delivery, holden before the Justices of the said Supreme Court for the said Commonwealth, hereby certify, that the foregoing sheets contain a true Copy of a Bill presented to the grand Jury, at a Court of Oyer and Terminer and general Goal delivery, holden before the said Justices, on the twenty-seventh day of November last, for the county of Philadelphia, and that the said bill was returned **IGNORAMUS** by the said Grand Jury.

(Seal.)

In witness whereof I have hereunto set my hand and affixed the seal of the Supreme Court, at Philadelphia, the seventh day of December in the year of our Lord MDCCXCVII.

EDW. BUDD, *Ct. Court.*

The following is a List of the GRAND JURY.

For the Bill.

WILLIAM COATS,
THOMAS FORREST,
PETER BROWN,
WILLIAM ROBINSON,
NATHAN BOYS,
ISAAC FRANKS,
ISAAC WORRELL,
GEORGE LOGAN,
WILLIAM PENROSE,

Against it.

FRANCIS GURNEY,
ROBERT WHARTON,
PETER MIERCKEN,
JOHN WHITEHEAD,
DANIEL KING,
SAMUEL WHEELER,
JOHN C. STOCKER,
JOHN HOLMES,
JACOB SERVOSS,
ROBERT MORRIS.

This Bill of Indictment, however insignificant it may be in itself, has already made considerable noise in the world, and it will yet make a great

deal more. Papers of this sort generally travel from the court to the clerk's office, and there they lodge in eternal sleep. But this Bill is certainly destined to another fate. Neptune will lend his waves and Æolus his winds to conduct it over the deep. It will see climes that the inventors of it never saw, nor ever will see. Little did they imagine, that they were becoming *authors*, and authors of such celebrity too, as if it please God, I will render them.

The identical copy of this precious document of liberty, which I received from the clerk's office, stamped with the arms of poor Pennsylvania, I shall send to London by the next packet, addressed to MR. REEVES's loyal society of the Crown and Anchor. When they are infested with the *reformists*, or any other noisy gang of *liberty men*, they will have nothing to do but show them this Bill, and say: "Here, you discontented dogs, is " this what you are barking after? If it be, go " to that *free* country, America." I am much mistaken if the bare sight of it would not make more converts to their cause than all the means that their talents and their laudable zeal have hitherto invented or employed. It is a sample of the liberty which the disaffected in Britain are fighting after; and they would exclaim with the old miller in the fable, " if such is the *sample*, what " must be the *jack*!"

The charges contained in the Bill of Indictment, lie buried in such a multitude of words which mean nothing, or at least nothing to the purpose, that they are very difficult to be understood. Some one says of a man extremely verbose in his conversation, that " his wit is like three grains of " wheat in a bushel of chaff;" and exactly the same may with truth be said of the meaning of this Bill. The *three libels*, as they are called, may

all be contained in a quarter of a page, whereas the Bill is swelled out to three or four pages. Let us, then, sift out the *three grains of wheat*, leaving the chaff behind.

The best way of doing this, and of enabling the reader to form a correct judgment both as to their import and their tendency, will be to lay before him the three publications (in which they are to be found) entire and undistorted, marking the pretended libellous parts in *italics*.

1st.

From the Porcupine of 17 July, 1797.

—
*For PORCUPINE'S GAZETTE.**

Ever since Spain has been governed by princes of the Bourbon family, the Spanish name has been disgraced, in peace and in war: every important measure has been directed by the crooked politics of France. This connection, like the obscene harpies of old, contaminates whatever it touches. But never has this been so conspicuous as in the present reign, and more especially at the present period. The degenerate prince that now sways the Spanish sceptre, whom the French have kept on the throne, merely as a trophy of their power, or as the butt of their insolence, seems destitute not only of the dignity of a king, but of the common virtues of a man: not content with allying himself to the murderers of a benevolent prince, who was the flower of his family, he has become the supple tool of all their most nefarious politics. As the sovereign is at home, so is the minister abroad, the one is governed, like a dependent, by the nod of the five despots at Paris, and the other by the direction of the French agents in America. Because those infidel tyrants had thought proper to rob and insult this country and its government, and we have thought proper, I am sorry to add, to submit to it, the obsequious imitative Don must attempt the same; in order to participate in the guilt, and lessen the infamy of his master's—Surely, if a revolution is ever to be recommended, it is when a prince thus entails ruin and disgrace on himself and his people, as Charles the 4th has done by this alliance with the regicide Directory of France. Besides what she paid to purchase a dishonourable peace, Spain has already lost large sums in specie, a considerable part of her navy, and a very valuable island; and if she

* I would have the reader peruse these *libels* with attention. They contain solemn truths, that cannot be too well understood.

persist in her present stupid system of obedience, without claiming the second sight of a Scotchman, I will pronounce her ruin inevitable.— Nothing is wanted but a conjoint operation between Great Britain and the United States, to open a way to all the riches of Mexico ; and however Spain may deceive herself, it is not all the crooked manœuvres of French and American Jacobins, who are as much her enemies as our's, that can long prevent it. Events are pointing, with the clearness of a sun-beam, to the absolute, irresistible necessity of such a coalition. The base subsidised agents of France cannot long check the just resentment, or resist the measures of a high-spirited and free people, who scorned to receive the law from freemen, and will never submit to receive it from slaves. The proud-spirited of '76, that encountered dangers far more tremendous, than any that now present themselves, will burst out with the greater violence, for being so long restrained, and spreading from north to south will beat down all opposition.— The strength of this Government is great, in its various resources, as well as in the affection of all its citizens, a few base profligates excepted ; and nothing but the want of an union of councils, and an excessive love of peace, has hitherto prevented our enemies from feeling it. We hold the fate of the French and Spanish West Indies in our hands ; and without having recourse to the infernal practice of the French, the arming of slaves against their masters, we are able, with a small naval aid, to revolutionize all the kingdom of Mexico.— But with this respectability of strength and character, it has been the unhappy fate of this Government to submit to violations and indignities, almost without example ; and this has been owing as much to the tameness of its friends, as to the audacity of its enemies ; for while these have been united and persevering, as all conspirators are, those have been torpid, and without any union or combination of efforts.— *In the present state of things, the independence of the United States is little more than a shadow ; it is really not worth what it cost to acquire and support it ; and unless a stop can be put to the progress of faction and foreign interference, instead of a blessing, it will ere long be a burden, which even the vassals of Prussia would not take off our hands as a gift.*— I remember what the tories prophesied at the close of the revolution war. “ The prospect,” said they, “ that now looks so bright, will soon be darkened by clouds, “ heavier than any that has yet hung over you. Your government “ will be torn by civil factions, and you will be tossed to and fro, like “ a tennis-ball, by the contending nations of Europe. France, which “ you now hug as an ally and equal, will corrupt your citizens, and “ foment divisions among them ; by which your government will be “ so weakened, that it will not dare to oppose her ambitious designs. “ She can never forget her being expelled from this country with dis- “ grace, nor will she fail to improve the first opportunity to recover “ some part of it.”— This is almost fulfilled in the present unfortunate state of things, but the case is not without a remedy, if prompt decision and firmness are adopted, on the part of government and its

influential friends. To these the great body of the well-affected citizens look for an example. They feel the wounds of their country, they resent them, and if properly led would speedily avenge them. They fear neither the foreign enemy, nor the dastardly traitors among themselves, but would rejoice in an opportunity of sacrificing to both their much injured and insulted country.—In what consists the principal strength of France? It is in the poison of her principles among the mob, and corruption of her money among rebels and particides. These have been the base diabolical arts, by which she has done as much as by her arms; and miserable has been the fate of all those countries, where they have not been seasonably and vigorously opposed. If, after so many examples to teach us, we continue to fold our arms, and wrap ourselves up in an imagined security, our turn will come next: and we shall add one more to the gloomy catalogue of the tributaries of France.—Therefore, let the friends of their country and its government associate at this critical juncture, to support the constituted authorities, and to oppose their enemies by spirited and united efforts. While traitors and foreign emissaries are daily insulting the chief magistrate by virulent and inflammatory publications; when the ministers of France and Spain, forgetting common decency, obtrude their appeals on the people, in order to mislead the ignorant; it is the duty of all those who condemn such criminal conduct to declare their resolution to oppose it.

An OLD SOLDIER.

—
2d.

From the Porcupine of 24 July, 1797:

—
COMMUNICATION.

—
AMERICAN MORALS.

To every reflecting mind, a review of the events which have taken place among some great political actors in the United States within a few years past, must be attended with extreme grief, mortification, and apprehension—with grief, for the great depravity and corruption of morals which they manifest;—with mortification, as they effect the honour and purity of the American character:—and with serious apprehension of the consequences which may result from the influence of so many examples of an abandonment of integrity; not among the commonalty, for vice in the vulgar classes is to be met with every where, but in high and exalted stations, and in persons selected by their fellow citizens to fill offices of great trust, distinction and confidence.—When we behold a secretary of state, in whom pride alone should have supplied the place of virtue, on account of the

eminent and distinguished family from whom he was descended, and with whom he was related, basely forsaking his duty, meanly offering himself for a purchase, and bartering his country for the gold of an intriguing foreigner ; when we see a great diplomatic character return from an embassy in which he betrayed the best interests of his country to the politics of an insidious nation, and humbling the American people by listening to a public abuse of them, caressed, feasted, and justified by the first officers in the government ; when a member of the senate of the United States is detected in debauching the fidelity of the public servants, and in plotting schemes of ambition and desperate enterprize, tending to commit the peace of his country ; when it is now notorious that representatives of the people in Congress were instrumental in fomenting and encouraging the late insurrection in the west, and that the principles of the chief magistrate of the state in which it unhappily appeared, were so much suspected of disaffection, and his attachment to the country so questionable, that it was found unsafe to confide its suppression to his hands ; when, in fact, this very man, his family, and his friends, were discovered in applying to their own purposes, without form, and without security, large sums of money placed under the guardianship of a public institution ; when the president and cashier of an extensive bank in the capital, and a principal officer in another bank in a great southern sea port, connected with a man not long since in an elevated situation, are found betraying their trusts, and embezzling the property they were paid to protect ; *when a judge of the pleas is publicly detected in shop-lifting* ; when an officer in a conspicuous station in the collection of the revenue is dismissed for delinquency ; when a merchant, lately a member of the national legislature, the first some years past in a commercial character, has wantonly engaged in the wildest schemes of speculation and expence, and is in connection with a man whose high reputation had called him to an elevated office of controul and superintendance, involving in their own fall, more families in general and pungent distress, than a thousand bankruptcies had ever produced ; when an associate judge of the supreme court is held in duresse, for an immense debt, contracted in visionary plans of personal aggrandizement—when time has brought to light, that a profound philosopher and statesman, whose fame had filled Europe and America, meanly and traitorously consented, in the very moment of public enthusiasm, when these states had just atchieved their independence, to place it in the hands of France, without condition, and without controul ; in fine, when we view the second magistrate in the United States, the presiding head of an independent branch of government, erecting the standard of opposition, rallying round it a host of mal-contents, and taking a position as the chief of a faction ; when we see him openly vindicating the insults and aggressions of a foreign nation, purposely mistating the political situation and sentiments of the country in correspondence with a distant stranger—and courted by the plunderers and enemies of America ; when all these

shameful and degrading circumstances are reviewed, what are we to think of our republican morals? Well may we exclaim with the confessor Fauchet "if this people are thus early decrepid, what may we expect in their old age!"—The history of the most corrupt nation, and the most despotic or degenerate monarchy in Europe cannot produce a like number of instances of such scandalous, criminal, and traitorous conduct in their public functionaries, it may be safely affirmed, even in the lapse of a century. *After such examples, how can it be wondered at, that an advertisement should appear in our public prints, giving notice of a swindling assignment of his estate, by a member of Congress in the vicinity of the capital, for the purpose of defrauding his creditors—or that our people should join the French marauders, and pillage the property, and threaten the lives of their defenceless countrymen, under the flag of these pirates—or that we are so abused and bumbled as to submit with patience to the public insults of a frivolous Spaniard, half Don and half Sans-Culotte?* *

A. B.

3d.

From the Porcupine of 31 July, 1797.

From the GAZETTE of the UNITED STATES.

ANECDOTE.

From the BOURDEAUX " JOURNAL DES JOURNEAUX."

When the court of Madrid found itself compelled by the most imperious necessity, to make peace with the French republic, it was

* This paragraph was sent me by a merchant of this city; it contains some horrid charges. *A treacherous ambassador, a secretary of state offering his country for sale, a senator doing the same thing, a governor implicated in the affair, a governor defrauding a bank, a judge in dureffe for a swindling debt, a judge caught thieving, &c.* One would have thought that these things should have attracted attention, and much more serious attention than calling the Spanish minister "half Don and half Sans-Culotte." But, no: these things could have been proved; and though *truth is a libel*, and I might, perhaps, have been punished, yet the trial could have been published, with all the *damning facts* along with it, and this would not have been quite so convenient. It would not have done great honour to *republicanism*. It would have furnished a dangerous handle to *malicious royalists*. People would really have begun to doubt of *republican simplicity and purity*; and therefore no notice was taken of these things. But, this was shallow work; could they imagine, that I would suffer them to be thus smothered? Did they think that there was not one drop of English blood remaining in my veins? If they did, they now see their error. I will never cease, 'till I have rendered their infamy as notorious in other countries, as it is in this.

I again repeat, that this *libel*, as it is called, was written by *an American.*

necessary to make the king sensible of the impossibility of continuing the war, and to resign himself to the sacrifices imposed by the treaty of peace. I thought, said the astonished monarch, that we had always beaten the French. *What will his magnanimous majesty say, when by the result of Don Yarico's conspiracy with Blount, and his appeal to the people, this political puppet shall have brought on a war with America. When the standard of liberty shall be unfurled on the isthmus of Darien; then his majesty may perhaps find that the freeborn sons of America are not that dastardly race of cowards, which their submission to the insults of his treacherous and piratical ally, had taught him to believe them.* And when Don Manuel de Godoy, Prince de la Paz, shall come before the magnanimous monarch, and with his finger in his mouth, tell him that it has become necessary to preserve the valuable mines of Peru, the extensive territory of Amazonia, Paraguay, Chili, and in short all South America, by the surrender of all possessions, on this side the isthmus of Darien. It is much to be doubted if the monarch, instead of tacitly admitting the argument of "imperious necessity," will not kick the sublime prince of peace from his presence, and turning his attention to the origin of so great evils, will allot a birth to Don Yarico in that commodious habitation where his respectable predecessor is so well accommodated; all the good he has done to Spain by *his translation of Smith's Wealth of Nations*, to the contrary notwithstanding.

These, reader, are the three publications, for which, under the *free* and *equal* government of Pennsylvania, I have been harrassed with a *criminal* prosecution; for which (besides the expence inseparable from all law concerns) I have been subjected to the infamy of an arrest, and have been dragged from my home, to the injury of my affairs, and the great alarm of my wife and family.

I would not insult the respectable gentlemen, who composed the majority of the Grand Jury, or the good sense of the reader, by an attempt of mine to prove that nothing contained in these publications is of a libellous nature. If these are libels, there is no book sacred or profane, which might not be construed into a libel. Every history contains libel upon libel against kings, queens and ministers. If these are libels, who is safe? In such a state of things a man may draw down the punishment

ment of a murderer on himself while he is saying his prayers or singing psalms.

Of the three publications, the two first only originated in my Gazette: the other was taken from the *Gazette of the United States*, published by Mr. Fenno. Of this latter circumstance I shall speak more fully, when I come to the Chief Judge's charge.

The two publications, which made their first appearance through my means, I have not the honour to be the writer of. They were both written by gentlemen of this city; *native Americans*, men who were determined *whigs* during the war for independence, republicans in principle, and firmly attached to the present government.

In the first of these two publications, though there is certainly nothing libellous, I am ready to confess there is a great deal of *warmth*; and if the admission of an essay extraordinarily warm, abounding in strong expressions of resentment and indignation, were ever justifiable, they most assuredly were on such an occasion. The communication of the *OLD SOLDIER* was sent me at a moment, when the city of Philadelphia, just quieted after the *appeal* of the French Minister Adet,* rang with the daring, the degrading, the contemptuous insult, which the Spaniard Yrujo had offered to the government of America, and to every individual living under it.

He had published a most audacious letter to Mr. Pickering, the Secretary of State, containing a summary of all that is insolent. This letter had been handed and hawked about the city; and had, by his secretary, been sent to every public print for insertion. It was gone forth to the universe; and, that it tended to degrade and defame America, we need

* See *Censor* for November, 1796.

no other proof than the following paragraph from a London Gazette of the 14th of September.—“ The Americans are, according to our last advices from New York, paying dear for their *independence*. The French take all their vessels, block up their very rivers, punish their seamen like malefactors, and actually make them pay for the shot they fire at them ; while the Spanish Minister, with impunity, insults and braves their poor enfeebled government. He has written to Timothy Pickering, Esq. their first Secretary of State (see our Gazette of yesterday) in a language that Buonaparte would not venture to assume to his Cisalpine convention, or citizen Noel to the fallen and degraded Dutch ; and what very much aggravates the insult, he has, without permission from the President of the general Congress, communicated this letter to the people, as a sort of manifesto, or appeal, to them from their government. Nothing of this kind, we believe, ever passed *unresented*, except in a conquered or invaded country ; and we cannot help lamenting that so very little spirit should be found in any people, but particularly in a people, who boast their origin from Britons.”

This paragraph, or at least something tantamount to it, I have seen in three London papers, and in one Dublin paper ; so that it may be fairly concluded, it’s currency is by this time general, not only in the British dominions, but all over Europe.—And, I pray, was no one to attempt to wipe away the stigma ? Though the public papers had been made subservient to the spreading of this deep shame and disgrace abroad, was no printer to admit any thing that served to mark the strong indignation it inspired at home ? Was the press to be free for the Spaniard alone ? Was he to be allowed to taunt, and threaten, and despise ? and were the poor Ame-

cans to few up their lips, or only mutter their impotent anger in secret? If this be so; if no man, by assuming a bold, an indignant, and retaliating tone, was to make an effort to rescue his country and himself from dishonour, without being harrassed with a prosecution, without hazarding the punishment of a murderer, our's is a fallen state indeed! If this be liberty and independence, or whatever else it may be called, God grant me the enjoyment of its opposite. If this be freedom, may I be a bondsman, yea, a very slave, to the end of my days.

“ If such be justice, such the laws,
 “ In that blest clime where *Freedom* reigns,
 “ I gladly join the *tyrant's* cause,
 “ And seek for refuge in my *chains*.”

I shall now come to Judge M'Kean's charge to the Grand Jury; and shall, without going out of court, take upon me to decide on its merits.

It was a charming thing this for me to get hold of. I had long wished to possess some such proof, some such convincing proof, of the *superiority* of the American liberty of the press over that enjoyed in the “ *Insular Bastile*,” Great Britain; and it is to the desire that I have of giving it a portable and durable situation, and to that alone, that this pamphlet is to be attributed: for which kind intention I humbly hope his *Honour* will feel inclined to pardon my past misdoings. His pretty *works* will now be read with admiration, in countries where, I am sure, had it not been for me, his name would never have once been articulated.

When this charge, garnished with my simple and good-natured comments, comes to be served up in Britain, it will be a dish for a king. The royalists will lick their lips, and the republicans will cry, God bless us! The emigration for *liberty's* sake will cease, and we shall have nothing but the pure un-

adulterated dregs of Newgate and the Fleet; the candidates for Tyburn and Botany Bay. Blessed cargo! All *patriots* to the back-bone: true philanthropists and universal citizens; fit for any place but England in this world, and heaven in the next.

The famous charge which is to produce these excellent effects was delivered to the Grand Jury at the Court of Oyer and Terminer, above-mentioned in the Bill of Indictment. I shall not fill up my pages in copying the former part of it, which the reader will, I am persuaded, readily excuse, when he has read the latter. Like two uncouth boorish visitants, the presence of the one renders all apology unnecessary for the absence of the other.

The Judge began, as, I believe, is usual, with a definition of the several crimes, which generally fall under the cognizance of such a court: as, treason, sodomy, rape, forgery, murder, &c. &c. But these his Honour touched lightly upon. He brushed them over as light and *trifling offences*; or rather he blew them aside as the chaff of the criminal code, in order to come at the more solid and substantial sin of **LIBELLING**.

The weight, or rather the measure, that his Honour gave to this crime above all others, on this particular occasion, I shall prove—not by ratiocination, but by arithmetic; by measurement with the aid of a carpenter's two-foot rule; as thus:

The charge contains separate definitions of 32 crimes, the whole of which, in the columns of the Gazette, occupy 5 F. 8 Inches, running measure; of which that of **LIBELLING** alone occupies 3 F. 1 In. 6 P. On these dimensions I state the following.

PROBLEM.

If 32 crimes occupy 5 F. 8 In. and 1 crime occupies 3 F. 1 In. 6 P. of how much greater magni-

tude ought this one crime to be than any 1 of the remaining 31.

SOLUTION—18 Times.

Thus, then, if we are to judge from the dimensions of the Chief Justice of Pennsylvania's charge, *Libelling* is eighteen times worse, more dangerous, and more heinous than robbery, forgery, treason, sodomy, or murder!

The fact is, the charge seemed studied to excite a horror of no crime but that of libelling; the court seemed met for the punishment of nothing else, and I seemed to be the sole object of that punishment. Of this the reader will be convinced by a perusal of the charge itself; and the *cause* he will find explained in the subsequent remarks, and in the notes which he has already read.

CHARGE.

The Chief Judge (M'KEAN), after having, as was before observed, just touched on the nature and punishment of other crimes, proceeds, with respect to **LIBELS**, thus:

Before I conclude, *I am sorry* to have occasion to mention, that there is another crime, that peculiarly concerns the judges of the supreme court to endeavour to correct, it is that of **LIBELLING**. I will describe it at large.

Libels or *libelli famosi*, taken in the most extensive sense, signify any writings, pictures, or the like, of an *immoral* or illegal tendency; but in the sense we are now to consider them, are malicious defamations of any person, and especially of a magistrate, made public either by writing, printing, signs or pictures, in order to provoke him to wrath, or to expose him to public hatred, contempt or ridicule.

This direct tendency of these libels is the breach of the public peace, by stirring up the objects of them, their families and friends to acts of revenge, and perhaps of bloodshed; which it would be impossible to restrain by the severest laws, were there no redress from public justice for injuries of this kind, which, of all others, are

most sensibly felt ; and which, being entered upon with coolness and deliberation, receive a greater aggravation than any other scandal or defamation, continue longer, and are propagated wider and farther. *And where libels are printed against persons employed in a public capacity, they receive an aggravation, as they tend to scandalize the government,* by reflecting on those who are entrusted with the administration of public affairs, and thereby not only endanger the public peace, as all others do, by stirring up the parties immediately concerned to acts of revenge, but have also a direct tendency to breed in the people a dislike of their governors, and incline them to faction and sedition.

Not only charges of a heinous nature, and which reflect a moral turpitude on the party, are libellous, but also such as set him in a *scurrilous ignominious light* : For every person *desires to appear agreeable in life*, and must be highly provoked by such ridiculous representations of him, as tend to lessen him in the esteem of the world, and take away his reputation, which to some men is more dear than life itself, for these equally create ill-blood, and provoke the parties to acts of revenge, and breaches of the peace.

A defamatory writing expressing *only one or two letters of a name*, or using *such descriptions and circumstances, feigned names or circumstances*, in such a manner, that *from what goes before, and follows after*, it must needs be *understood* to signify such a person in the plain, obvious, and natural *construction* of the whole, is as properly a libel, as if it had expressed the whole name at large : for it brings the utmost contempt upon the law, to suffer its justice to be eluded by such trifling evasions ; and it is a ridiculous absurdity to say, that a writing, which is understood by the very meanest capacity, cannot possibly be understood by courts and juries.

It is equally ridiculous and absurd to suppose, that if a man speaks flanderous or defamatory words of another, he may be sued, and ample damages recovered for the injury, but if the same words are put in writing or printed, no punishment can be inflicted. Such a doctrine may gratify the wishes of envious and *malicious cowards and assassins*, but must be detested by all sensible and good men.

These offences are punishable either by indictment, information, or civil action : But there are some instances where they can be punished by a criminal prosecution only ; as where the United States in congress assembled, the legislature, judges of the supreme court, or civil magistrates in general are charged with corruption, moral turpitude, base partiality, and the like, when no one in particular is named.

By the law of the twelve tables at Rome, libels which affected the reputation of another, were made capital offences : But before the reign of Augustus, the punishment became corporeal only. Under the emperor *Valentinian*, it was again made capital, not only to write, but to publish, or even to omit destroying them. But by the laws of Pennsylvania, the authors, printers, and publishers of a libel are punishable by *fine*, and also a limited *imprisonment at hard labour*, and *solitary confinement in gaol*, or *imprisonment only*, or one of

them, as to the court in discretion shall seem proper, according to the heinousness of the crime, and the quality and circumstances of the offender.

Any libeller, or person even speaking words of contempt against an inferior magistrate, as a justice of the peace or mayor, personally, though he be not then in the actual execution of his office, or of an inferior officer of justice, as a constable, and such like, being in the actual execution of his office, may be bound to his good behaviour by a single justice of the peace.

By this law, and these punishments, the liberty of the press (*a phrase much used but little understood*) is by no means infringed or violated. The liberty of the press is indeed essential to the nature of a free state; but this consists in laying *no previous restraints* upon publications, and not in freedom from censure for criminal matter, when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this, is to destroy the freedom of the press; but if he publishes what is improper, mischievous, or illegal, he must take the consequences of his temerity. To punish dangerous or offensive writings which, when published, shall on a fair and impartial trial, be adjudged of a pernicious tendency, is necessary for the preservation of peace and good order, of government and religion; the only solid foundation of civil liberty. Thus the will of individuals is still left free, the abuse only of that free-will is the object of legal punishment. Our presses in Pennsylvania are thus free. The common law, with respect to this, is *confirmed and established by the constitution itself*. By the 7th sect. of the declaration of the principles of a free government, &c. it is ascertained, "that the printing-presses shall be free to every person, who undertakes to examine the proceedings of the legislature, or any part of government." Men, therefore, have only to take care in their publications, that they are decent, candid and true; that they are for the purpose of reformation, and not of defamation; and that they have an eye solely to the public good. Publications of this kind are not only lawful but laudable. But if they are made to gratify envy or malice, and contain personal invectives, low scurrility, or slanderous charges; they can answer no good purposes for the community, but, on the contrary, must destroy the very ends of society.—Were these to escape impunity, youth would not be safe in it's innocence, nor venerable old age in it's wisdom, gravity, and virtue; dignity and station would become a reproach; and the fairest and best characters, that this or any other country ever produced, would be vilified and blasted, if not ruined.

If any person, whether in a public or private station, does injury to an individual, or to the society, ample redress can be had by having recourse to the laws, and the proper tribunals, where the parties can be heard personally, or by counsel, the truth can be fairly investigated, and justice be fully obtained; so that there can be no necessity nor reason for accusing any one of public or private wrongs *in pamphlets or*

newspapers, or of appeals to the people under feigned names, or by anonymous scribblers.

Every one who has in him the sentiments of either a Christian or gentleman, cannot but be highly offended at the envenomed scurrility that has raged in pamphlets and news-papers, printed in Philadelphia for several years past, insomuch that libelling has become a kind of national crime, and distinguishes us not only from all the states *around us*, but from the whole civilized world. Our satire has been nothing but ribaldry and billingsgate: the contest has been, who could call names in the greatest variety of phrases: who could mangle the greatest number of characters; or who could excel in the magnitude or virulence of their lies. Hence the honour of the families has been stained; the highest posts rendered cheap and vile in the sight of people, and the greatest services and virtue blasted. This evil, so scandalous to our government, and detestable in the eyes of all good men, calls aloud for redress. To censure the licentiousness, is to maintain the liberty of the press.

At a time when misunderstandings prevail between the Republics of the United States and France, and when our general government have appointed public ministers to endeavour their removal, and restore the former harmony, some of the journals or news-papers in the city of Philadelphia have teemed with the most irritating invectives, couched in the most vulgar and opprobrious language, not only against the French nation and their allies, but the very men in power with whom the ministers of our country are sent to negotiate. These publications have an evident tendency not only to frustrate a reconciliation, but to create a rupture, and provoke a war *between the sister Republics*, and seem calculated to vilify, nay, to subvert all *Republican* governments whatsoever.

Impressed with the duties of my station, I have used some endeavours for checking these evils, by binding over the editor and printer of *one of them*, licentious and virulent *beyond all former example*, to his good behaviour; but he still perseveres in his nefarious publications; he has ransacked our language for terms of reproach and insult, and for the basest accusations against every ruler and *distinguished* character *in France and Spain*, with whom we chance to have any intercourse, which it is scarce in nature to forgive; in brief, he braves his recognition and the laws. It is now with you, gentlemen of the grand jury, to animadvert on his conduct; without *your aid* it cannot be corrected. The government that will not disown him, may be thought to adopt it, and be deemed *justly chargeable with all the consequences*.

Every nation ought to avoid giving any real offence to another. Some medals and dull jests are mentioned and represented as a ground of quarrel between the English and Dutch in 1672, and likewise caused Lewis the 14th to make an expedition into the United Provinces of the Netherlands in the same year, and nearly ruined the Commonwealth.

We are sorry to find that our endeavours in this way have not been attended with all the good effects that were expected from them; however we are determined to pursue the prevailing vice of the times with zeal and indignation that crimes may no longer appear less odious for being fashionable, nor the more secure from punishment for being popular.

The criminal law of this state is so *pregnant with justice*, so agreeable to reason, so full of equity and clemency, that even those who suffer by it, cannot charge it with rigour. It is so adapted to the common good as to suffer no folly to go unpunished, which that requires to be restrained; and yet so tender of the infirmities of human nature, and of the wives and children of even the greatest offenders, as to refuse no indulgence which the safety of the public will permit. It gives the rulers no power but of doing good, and deprives the people of no liberty but of doing evil. We are now (thank God) in the peaceable and full enjoyment of our laws, of the free administration of justice, and in complete possession of religious, civil and political liberty. May the Divine Governor of the world continue these blessings to us, and impress it as a duty which we owe to ourselves who enjoy them; to those virtuous men, who, under God, have been chiefly instrumental in procuring them; and to our posterity who will claim at our hands this noblest inheritance, to maintain and defend them at every hazard of life and fortune.

You may now, gentlemen, retire to your room. Inquire with zeal, hear with attention, deliberate with coolness, judge with *impartiality*, and decide with fortitude. And may God over-rule and direct all your proceedings to the furtherance of justice and the happiness of the people.

I have ever entertained the notion of an immediate superintending Providence, and I most sincerely believe that God did over-rule and direct all the proceedings of this Grand Jury; for they did judge with *impartiality*, and decide with *fortitude*, though their judgment and decision were not quite consonant to the wishes of the Chief Justice of Pennsylvania, as appeared not only from the charge, but also from what he hinted respecting the Jury, the day after the Bill was returned.*

* The day after the Bill was returned, IGNORAMUS, the Chief Justice, on the trial of Mr. Humphreys, for beating Bache, told the prisoner, that, if he had thought himself aggrieved by the *press*, he should have appealed to the law; and added; "you may say indeed that GRAND JURIES will not do *their duty*; we have had a recent

So pointed, so personal a charge, I am bold to say, was never before delivered from the bench in any country, that has the least pretensions to civil liberty. If it be foreseen, that a particular case, rather novel, is to come before a Grand Jury, it is the custom for Judges, as it certainly is their duty, to explain its nature, its tendency, and the law respecting it fully and minutely; but never, till the 27th day of last November, did a judge, presiding to administer justice according to the mild and impartial precepts of the Common Law of England, so far forget the genuine spirit of that law, as to point directly at a single offender, and to employ all the persuasion in his power to bring down chastisement on his head,

The charge contains every thing calculated to awaken the apprehensions of the Grand Jury as to the effects of my conduct, and to prepossess their minds against my person. In every thing but elegance and animation, it was more like the zealous and impassioned pleadings of an advocate, than the calm, dignified, and impartial accents that ever should breathe in the language from the bench.

And what was there, I pray, either in my character, in the particular case before the Grand Jury, or in the general tenor of my publications, to warrant this odious departure from the excellent rules, which had their origin in decency and candour, and which have been rendered sacred by the practice of our forefathers? A stranger, had there been one in court, would naturally have concluded me

instance of that."—On this reflection on the Grand Jury, it is not my duty to comment. Had I been one of the gentlemen who composed it, I think I should have made an attempt, at least, to defend my conduct and character. But the people of this state have been so abused, so humbled, and so degraded, by the long tyranny of this FOUQUIER TINVILLE, that very little spirit is to be expected from the very best of them. Any man who has affronted him, looks upon himself as ruined!—This is *republican security*!!

to be a notorious defamer of innocence, a seditious and turbulent troubler of the government, a sworn enemy of morality and religion ; in three words, a profligate, a rebel, and a blasphemer.

It hardly ever becomes a man to say much of his private character and concerns ; but, on this occasion, I trust I shall be indulged for a moment. I will say, and I will make that saying good, whoever shall oppose it, that I have never attacked any one, whose private character is not, in every light which it can possibly be viewed, as far beneath mine as infamy is beneath honour.—Nay, I defy the city of Philadelphia, populous as it is, and respectable as are many of its inhabitants, to produce me a single man, who is more sober, industrious, or honest ; who is a kinder husband, a tenderer father, a better master, a fonder friend, or (though last not least) a more zealous and faithful subject.

Most certainly it is unseemly in any one to say thus much of himself, unless compelled to it by some public outrage on his character ; but, when the accusation is thus made notorious, so ought the defence. And I do again and again repeat, that I fear not a comparison between my character and that of any man in the city : no, not even with that of the very Judge, who held me as the worst of miscreants. His Honour is welcome, if he please, to carry this comparison into *all* the actions of our lives, public and *domestic*, and to extend it beyond ourselves to *every branch of our families*.

As to my writing, I never did slander any one, if the promulgation of useful truths be not slander. Innocence and virtue I have often endeavoured to defend, but I never defamed either. I have, indeed, stripped the close drawn veil of hypocrisy ; I have ridiculed the follies, and lashed the vices of thousands, and have done it sometimes, perhaps, with a rude and violent hand. But these are not

the days for gentleness and mercy. Such as is the temper of the foe, such must be that of his opponent. Seeing myself published for a rogue, *and my wife for a whore*; being persecuted with such infamous, such base and hellish calumny in the *philanthropic* city of Philadelphia, merely for asserting *the truth* respecting others, was not calculated, I assure you, to sweeten my temper, and turn my ink into honey-dew.

My attachment to order and good government, nothing but the impudence of Jacobinism could deny. The object, not only of all my own publications, but also of all those which I have introduced or encouraged, from the first moment that I appeared on the public scene to the present day, has been to lend some aid in stemming the torrent of anarchy and confusion. To undeceive the misguided, by tearing the mask from the artful and ferocious villains, who, owing to the infatuation of the poor, and the supineness of the rich, have made such a fearful progress in the destruction of all that is amiable, and good, and sacred among men. To the government of this country, in particular, it has been my constant study to yield all the support in my power. When either that government, or the worthy men who administer it, have been traduced and vilified, I have stood forward in their defence; and that too, in times when even its friends were some of them locked up in silence, and others giving way to the audacious violence of its foes.—Not that I am so foolishly vain as to attribute to my illiterate pen a thousandth part of the merit that my friends are inclined to allow it. As I wrote the other day to a gentleman who had paid me some compliments on this score, “I should never look at “ my family with a dry eye, if I did not hope to “ outlive my works.” They are mere transitory beings, to which the revolutionary storm has given

life, and which with that storm will expire.—But, what I contend for, and what nobody can deny, I have done all that laid in my power; all I was able by any means to accomplish, in order to counteract the nefarious efforts of the enemies of the American government and nation.

With respect to religion, though Mr. M'Kean was pleased to number it among the things that were in danger from the licentiousness of the press, and, of course, from poor *ME*, I think it would puzzle the devil himself to produce, from my writings, a single passage, which could, by all the powers of perversion, be twisted into an attack on it. But it would, on the contrary, be extremely easy to prove, that I have at all times, when an opportunity offered, repelled the attacks of its enemies, the abominable battalions of Deists and Atheists, with all my heart, with all my mind, with all my soul, and with all my strength. The bitterest drop in my pen has ever been bestowed on them; because, of all the foes of the human race, I look upon them, after the Devil, as being the greatest and most dreadful. Not a sacrilegious plunderer from Henry VIII. to Condorcet, and from Condorcet to the impious Sans-Culottes of Virginia, has escaped my censure. All those who have attempted to degrade religion, whether by open insults and cruelties to the clergy, by blasphemous publications, or by the more dangerous poison of the malignant modern philosophy, I have ranked amongst the most infamous of mankind, and have treated them accordingly.

After this summary defence of my character and writings, the necessity of which I sincerely regret, justice demands that I should enter into an exposition of the unparalleled partiality that has been exercised against me: and when I have done that, I pledge myself to prove, in contradiction to all the

boastings which we have heard, *that the press is freer in Great Britain than in America.*

To read the Chief Judge's famous Charge, one would inevitably be led to imagine, that no person in this country, except PETER PORCUPINE, ever attempted to exercise the liberty of the press, or even that pitiful portion of it which his Honour had the mercy to leave in our hands. One would think that all the other printers had been poor passive devils, and that their sheets had contained nought but vapid songs of liberty, lying eulogies on departed rascality, and fulsome flattery of villains in power. But, to do justice to my brother printers, to myself, and to Judge M'Kean, I am compelled to prove that this was not the case.

There are certain news-printers in this country, who may be counted as a sort of blanks: creatures that have nothing of humanity about them but the mere exterior form and motion, and that are, in every other respect, as perfectly logs as if they had been cut out of a piece of timber. I will not degrade myself by a comparison between my conduct and that of these dull, senseless, inanimate beings. Let me have the same privileges as other living active creatures, and I am content.

The reader has seen all that could be conjured up against me in the Bill of Indictment, which he may safely set down among the most virulent of my publications; for lawyers and judges know very well how to singe the tares from the wheat. But, I am willing to allow him a scrutiny into every sentence I have written or published, to which the Chief Judge's charge can possibly be made to apply, and then I will leave him to compare my "nefarious publications" with the "decent, candid, " and true" ones, which I am now about to produce from the presses that have, and still do, espouse the cause of the enemies of this country.

As libels against *religion* are certainly more heinous in their nature, as well as more destructive in their consequences, than any that can be published against men, however estimable their characters or exalted their rank, I shall first take notice of a publication or two of this sort, which have escaped the notice of the *vigilant* Chief Justice of Pennsylvania: and this, I think, seems the more necessary, as the Judge included *religion* among the objects endangered by the licentiousness of the press.

In the summer of 1796, a work was published by one STEPHENS (an Irish Patriot, who has since spunged his creditors), entitled : “*Christianity contrasted with Deism* :” And by a master-piece of baseness, before unheard of among the most infamous of scribblers, my assumed name, PETER PORCUPINE, was inserted in the title page, in order to give currency to the pernicious production.

This pamphlet abounded with the most daring impiety; and, though I will not take upon me to say that the Chief Justice ever *saw* it, he must have heard of its existence; for it was not only advertised for sale, but there were also a considerable number of paragraphs respecting it, both in BACHE’s and Mr. FENNO’s paper.

As to the AGE OF REASON, its publication, by BACHE and others, is too notorious a fact to be for a moment dwelt upon. This blasphemous work has been spread all over the state, and through this city in particular.

BACHE has, for years past, and does now, publish and sell, what is called the “*Republican Calendar*;” in which the *Christian Era* is supplanted by that of the degrading Atheistical Decadery of France.

All these publications, and many more that might be mentioned, have been, and yet are, published in Pennsylvania. Their evident and inevitable ten-

dency, is, to corrupt the young, mislead the ignorant, abash the timid, degrade the priest-hood, and, finally, to subvert and destroy, root and branch, the Christian Religion and all its inestimable blessings.

I have the same opinion of the Judge's law knowledge that most people have; but he must certainly know, that *Christianity* is part of *the law of the land*; that to deride and blaspheme it is punishable by the common law; and that it is the duty of all magistrates, more particularly Judges, to make the law, in this respect known, and to see it executed.

Yet, in the state of Pennsylvania, under so watchful a Chief Justice, the salutary law, intended to preserve from indignity the religion of our fore-fathers; to enforce a respect for the laws of God, and to promote our eternal salvation, has been suffered to sleep in oblivion; while the sanguinary *Twelve Tables of Rome* have been resorted to, in order to enhance the magnitude of *the crime of satirizing the Spanish king and his minister!* Gracious God! can the descendants of Britons ever approve of this violence on *the common law of England?*

The Judge tells us that, with respect to libels, the *common law* is *confirmed* by the *constitution of Pennsylvania*; and every one knows, that the common law of America is neither more nor less than the common law of England. Now, it is well known, that the publisher of Pain's *Age of Reason* has been prosecuted in England, that **LORD KENYON** termed it a "nefarious publication, intended "for the most malignant purposes;" and that the jury instantly found the defendant **GUILTY**. But England is, in this respect, no more fit to be compared with America than **LORD KENYON** is to be compared with **Judge M'KEAN**.

I have been told, indeed, that the article of the constitution, which provides for an entire freedom

as to religious worship and opinions, forbids any restraint on the press where subjects of this sort are agitated. If this be true, and if M'KEAN's doctrine of libels be also true, all that the American press has gained by the "Glorious Revolution," is, the horrid liberty of blaspheming the Almighty!

Quitting libels against *religion*, let us come to those of a less horrid, though not less odious nature.

The Chief Justice tells us, that "the honour of *families* has been *stained*, and the greatest *services* and *virtue* blasted;" and he before told us, that this evil it was *peculiarly the duty* of the Supreme Court to repress.

I have before observed, and I repeat it again and again, that *innocence* or *virtue* was never attacked by me; and hence it is impossible that I can ever have brought a *stain* on a family. Whether others have done this in Philadelphia, I leave the reader to judge from the following passages of a pamphlet, published here about two years and a half ago.

The subject of the author's censure, is a debate in Congress. After calling one member an *A/s* and another a *Snap-Turtle*, he comes to a gentleman of New-Jersey, who now fills an office of great trust under the Federal Government, of whom and of whose family he speaks thus: "Not that I would declaim against Congress wages, for I think they ought to have at least ten dollars a day; otherwise an honourable member from Jersey will not be able to keep Mrs. B—— in town during the next session *. Ten dollars, I think will defray all expences—The honourable representatives may then play at cards and dice, and billiards, and do many other things—and Mrs. B—— may afford to knock off a few bottles of *Madeira* with some of her soft *rosy-nosed visitors*, without sink-

* See his Speech in the House of Representatives.

“ ing her honourable spouse *forty shillings below par.*”

From members of Congress and their wives, the author comes to the Clergy and their’s. Few people have forgotten, that, in 1795, a Sermon on National Gratitude was preached in this city, by a learned Divine, then at the head of Princeton College. In the course of this much admired sermon, the preacher took occasion to censure the *Age of Reason*; and this it was that brought on him, from our *decent* writer, the following attack: “ Notwithstanding his consternation, he does not forget to bullyrag Tom Paine. Forty-two miles did he trudge through thick and thin, Jonah like, to save this our Nineveh by reading a sermon, and may heaven reward his labours! May the fountains of Helicon gush from his brains;—and may all the curbers of the factious sip nocturnal inspiration from the lips of the muse of Morven, at the limpid streams of Stony-brook, nor be pestered with a *d . . . d* wife;—May they never be dragged head-foremost down the steps of Nasau hall, nor be pelted with brickbats and potatoes.”

Is this “ *decent, candid, and true?*” And, if it be not, how came it to “ escape with impunity?” How came it not to attract the attention of the Supreme Court of Pennsylvania, whose “ peculiar duty it is to repress and correct such excesses?” — The book was published in all the newspapers; it was sold by all the booksellers *except me*; it was even hawked about the streets, and was the subject of universal censure and abhorrence; and yet the Supreme Court never did censure it; nor did the Chief Justice ever feel himself “ impressed with the duties of his station” to *bind the author or publisher over.*”

The author was known to a certain *Secretary*; was even his intimate acquaintance and com-

nion; and his pamphlet abounds with invective against Great Britain, and high sounding compliments to France. His politics he had the prudence to make a sort of atonement for his offences.

From the *staining of families* let us turn to the attacks of men in their public capacities.

The Chief Justice tells us, that, when defamatory writings are published "against persons in a public capacity, they receive an *aggravation*, as they tend to scandalize the government, &c. &c."

This doctrine, by-the-bye, I believe few men, except those in a public capacity will relish. It is exactly contrary to the spirit as well as the letter of the little pamphlet, entitled, "The Constitution of Pennsylvania."—In that *ineffimable* performance, there is one Chapter containing a list of what are there called "the essential principles of liberty, which are positively declared to be excepted out of the general powers of government, and fixed on for ever to remain inviolate."—Among the precious things thus carefully preserved, is, *the liberty of the press*; and it is said, that no law shall be made to restrain any person, "who undertakes to examine the proceedings of the legislature or any branch of government." And again it says, that "in prosecutions for the publication of any papers, investigating the official conduct of officers, or men in a public capacity, the truth thereof may be given in evidence."

Thus, you see, this pamphlet of Pennsylvania holds out to the world, that men in a public capacity are *more open* to the censure of the press than the sovereign citizens are, which is, indeed, no more than reasonable; but this Judge, this *learned expositor* of the law and constitution, tells us, that censorious writings receive an *aggravation*, when written against persons in a public capacity!

However, be it so. Let us prefer the Judge's assertion to the declaration of the sovereign people of Pennsylvania. Let us, for a moment, look upon their constitution as merely intended to amuse them and gull the world; and then let us see what this State Government, and this same Judge, have permitted to pass unreproved and unnoticed, in writers inimical to the Federal Government, and **NOTORIOUSLY IN THE PAY OF FRANCE.***

I could here produce volumes of the most atrocious calumny against the Federal Government and its officers individually; but, besides my want of room, I am prevented by the notoriety of the fact. Every one in America knows what I have here generally stated, to be true; and it is therefore necessary to introduce only a few instances for the information of foreigners.

BACHE, in his paper, No. 1037, after loading the Executive of the United States with various false and infamous charges, says: "And are we so "corrupted and debased as to give up this precious "jewel (Independence) to the intrigues of *rascals* "and *traitors*, who are about to *sell themselves and their country?*"

This is pretty well for the Executive. Now let us hear what CALLENDER (in his "History of the "United States for 1796") says: "he was to be "kept a twelvemonth in irons, and then to be "hanged for stealing *one* horse: what ought to be "done with the Congress and their agents, who "forcibly pilfered so many that are yet unpaid

* It is notorious that the French Directory have newspapers in their pay, not only in America, but in every country in Europe. That there should exist such mercenary traitors as to receive the wages of Regicides and Assassins is still less astonishing, than that there should be found men, in the different countries, and men of rank too, so base, so degenerate, and so *foolish*, as to give encouragement to their treasonable productions.

" for?" — I must leave JUDGE M'KEAN to answer this question ; for he was, I believe, one of the Congress that Callender alludes to. However, lest any offender should slip him, the *Historian* takes care to include in his censure, the second, the third, and the fourth Congress.

From the government in general we will now come to particular members of it.—The Judge tells us, if publications, " containing personal invectives, " low scurrility, and slanderous charges, were to " escape with impunity, the *fairest* and *best* characters that this or any other country ever produced, " would be vilified and blasted, if not ruined."

Now then, let us hear BACHE again ; the mouth-piece of the French faction, and frequently the companion of the Chief Justice at Civic Festivals.—This atrocious wretch, in his paper of the 9th of July, 1795, has the following paragraph :— " The day [the 4th of July] was closed by the exhibition of a transparent painting, with the figure of John Jay upon it. The figure was in full stature, holding in his right hand a pair of scales, containing in one scale, *American liberty and independence* kicking the beam ; in the other, *British Gold*, in extreme preponderance. In his left hand a Treaty, which he extended to a group of Senators, who were grinning with pleasure and grasping at the Treaty. From the mouth of the figure issued these words : *come up to my price, and I will sell you my country.* The figure was burned at Kensington, amidst the acclamations of hundreds of citizens. Thus terminated the anniversary of American independence."

This recalls to our minds two valuable facts : 1st, that this infamous libel did " escape with impunity ! " and 2d, that the exhibition and actions which it records did also " escape with impunity ; " and that too in this city, under the eye of this very

Judge M'Kean. And what is more, a gentleman, who, like a good citizen, turn'd out of his bed to endeavour to put a stop to the scandalous and disgraceful procession, was assaulted in a most cowardly and cruel manner, and never obtained the least satisfaction. Not one of the rabble, nor of the ring-leaders, nor of the printers, who stimulated them to action, and who recorded their atrocities as honourable deeds, was ever punished, or "*bound over*," or even reprimanded!—But this was a riot and a libel against a *worthy man*, an officer of the *Federal Government*, and *no tool of France*; and these circumstances must account for what cannot otherwise be accounted for.

BACHE, in his paper, No. 1460, calls the Honourable John Jay, then Chief Justice of the United States of America, and now Governor of the State of New-York; he calls this gentleman, "*that damned arch traitor JOHN JAY*."—And yet he was never "*bound over*"; and yet he never was *personally attacked from the Bench*; but, on the contrary, has often, since that time as well as before, sat at the same board with the Chief Justice!

I could here name at least one hundred of the greatest and best men, that this country ever produced, who had been vilified, by this reprobate descendant of Old Franklin; but, for the reasons before mentioned, I shall forbear the enumeration, and content myself with an instance or two of his attacks on the character of **GENERAL WASHINGTON**.

He published **PAINE**'s letter to the **GENERAL**; of which he claimed an exclusive copy-right, and which he boasted of having received from Paris for the purpose of publication. In this work, **GENERAL WASHINGTON** and the **CONSTITUTION OF THE UNITED STATES**, are both the objects of obloquy and reproach. The **GENERAL** is called, "the

"*patron of fraud*,"—"an *impostor*, or an *apostate*."
—Yet the vile printer was never "*bound over*."

Thus was the city of Philadelphia disgraced. Thus did the Chief Justice of Pennsylvania quietly look on, and observe the propagation of a libel, that has excited universal indignation in the breasts of unconcerned foreigners, and for which both the writer and the printer are censured by their very partizans.

The day that the **GENERAL** closed his public labours (the 4th of March, 1797,) **BACHE**, after announcing his retirement from the office of President, says: "If there ever was a period for rejoicing, this is the moment—every heart, in unison with the freedom and happiness of the people, ought to beat high with exultation, that the name of **WASHINGTON** from *this day ceases to give currency to political iniquity, and to legalize corruption.*"

Yet, we are not at the worst: for on the 13th of March, 1797, this viperous Grand Son of Old Franklin accused the same eminent person of *murder!* brought forward a long, formal, and circumstantial charge of cool, deliberate *assassination*, "committed by **GEORGE WASHINGTON, late President of the United States.**"

The Chief Justice has *not forgotten*, I dare say, that I was the only printer in the United States (with shame be it spoken) who had the zeal and the industry to search for the documents relative to the affair alluded to (which took place in 1753); to expose the fallacy of the charge, and to hold the vile instrument of France up to universal abhorrence.

One would have thought, whatever might be the secret dispositions of the Chief Justice of Pennsylvania, that outward appearances, common decency, would have led him to take some little notice of these outrages, or the public and private

character of **G. Washington.** More especially one would have expected this from a Judge, who seems to be so anxious to preserve the reputation of "*youth in its innocence,*" and of "*old age in its gravity and wisdom;*" who now, in order to excite a horror against libelling, goes back to that cruel code, the *Twelve Tables of Rome*, and the no less sanguinary laws of *Valentinian*; who, in his zeal to make an example, does not think it derogatory to his station to point at a particular man, and call on the Jury, in express terms, for their "*aid*" in his punishment; and finally, who expresses his determination to pursue the vice of libelling with "*zeal and indignation.*" From such a Judge, who would not have expected an interference? who does not believe, who does not know, and does not say, that he should have been "*impressed with the duties of his station,*" when the reputation of the federal government was daily and hourly attacked in his presence; when the fame and character of **GENERAL WASHINGTON** were bleeding at every pore, and when the French printer **BACHE** and his co-adjutors were pursuing the Veteran to his domestic retreat with all the hellish malignity of Parisian cannibals?—Yes, this was the time for him to be "*impressed with the duties of his station.*" This was the time for him to exert his authority of *binding over*; to unfold and enforce the *severity of the law*, and establish his character for impartiality:—but this time is past.

Thus have we seen the Chief Justice of Pennsylvania wink at the most daring and wicked libels against God and against man, that a writer can conceive, or a printer print. But we are not yet come to what may be properly called *a case in point.*

I was prosecuted for publications levelled against a foreign prince, government, and minister; to form, therefore, a just estimation of the conduct and

motives of those who urged the prosecution, we must take a sketch (and a very slight one will serve) of what other printers have published, *with impunity*, against other governments, nations and princes.

But, before I enter on this subject, I think myself called on to make a few remarks on that part of the Judge's Charge, which dwells with such emphasis and seeming dread, on the danger of offending foreign nations and potentates, particularly the tender-hearted rulers of France, and the king of the country of the *Inquisition*.

After telling the Grand Jury, that I had "rancacked our language for terms of reproach and insult against every *distinguished* character in *France and Spain*," he tells them, that, "without their aid," my conduct cannot be corrected; and concludes by observing, that "the government that will not disown, may be thought to adopt it, and be deemed *justly chargeable with all the consequences*."—Then follows an instance of the great danger of offending foreign nations in this way: the Judge refers to history above a hundred years back, and very gravely tells the Grand Jury, that "Some medals and dull jests are mentioned and represented as a ground of quarrel between the English and Dutch in 1672, and likewise caused Lewis the 14th to make an expedition into the United Provinces of the Netherlands, in the same year, and nearly ruined that common-wealth."

This was an example *in terrorem*, and was evidently cited for the purpose of impressing on the minds of the Jury, the peril that their country might incur from suffering me to "escape with impunity." But, granting for a moment, that laying a restraint on the press, *for fear the effects of its freedom should offend foreign powers*; allowing that such an act is not to the last degree shameful

and debasing, and only suited to a country in the most abject state of vassalage ; allowing this, let us see if the Judge's quotation was quite correct and candid.

Now, I say, and every one of the most superficial reading knows, that the *medals* and *dull jests* alluded to, never were, nor are they any where (except in this learned charge) “ *mentioned and represented* as a ground of quarrel between the English and Dutch in 1672,” nor at any other period. **HUME**, who, it will hardly be denied, is at least as good an authority as Pennsylvania's Chief Judge, does indeed say, that “ certain medals and pictures “ were made the *miserable pretext* of a most scandalous breach of faith,” on the part of the profligate Charles II. ; but he tells us that the *real grounds* of the war, were, the inordinate ambition of **Lewis XIV.** and the thirst for riches and arbitrary power of the corrupted ministry of England, well known by the name of the **CABAL**.

Besides, had medals and dull jests really been, which they were not, the grounds of the war, candour should have led the Judge to continue his reference to history a little further, and to tell the **Grand Jury** *how that war terminated*, and how the *nearly ruined Common-wealth* behaved with respect to the medals and dull jests.

Lewis XIV. did, indeed, make a devastating and cruel expedition into the Netherlands, and reduced the Dutch to the last extremity by land, while the combined fleets of England and France nearly blocked up their ports, and ruined their commerce. In this awful state of their affairs, the two unprincipled Monarchs made known to them their pretensions, which, among many other humiliating terms, specified, that “ all persons guilty of writing “ *seditious libels* against them, should on complaint “ be banished for ever from the States.” — The

Commonwealth, though, as the Judge says, *nearly ruined*, scorned the insolent pretensions; and, following the example of the PRINCE OF ORANGE (afterwards our WILLIAM III, of glorious memory) nobly resolved "to resist the haughty victors, and "to defend those last remains of their native soil, "of which neither the irruptions of Lewis, nor the "inundation of waters, had as yet bereaved them. "Should even the ground fail them on which they "might combat, they were still resolved not to "yield the generous strife; but, flying to their "settlements in the Indies, erect a new empire "in those remote regions, and preserve alive, even "in the climates of slavery, that liberty of which "Europe was become unworthy"

This is what Mr. M'Kean should have told the Grand Jury; and he should have told them besides, that this brave resolution of the Dutch met with a glorious reward; that a few months saw their gallant fleet a match for those of the two monarchies united, and that the haughty king of France, driven by the PRINCE OF ORANGE, from fortress to fortress, and from Province to Province, at last entered his vain and frivolous capital covered with defeat and disgrace, before the triumphal arch of St. Dennis, erected for the celebration of his conquests, was completely out of the hands of the architect!

This is the passage of history, which, above all others, the republican ear dwells on with pleasure; this is what the Chief Judge should have related to the jury; but, this would not have answered his purpose. Such an example of republican fortitude and heroism would have founded well from the lips of his Honour; but, the Grand Jury of Philadelphia showed by their righteous decision, that they stood not in need of examples from history to stimulate them to act agreeably to the dic-

tates of their conscience, and to reject with disdain every idea of fear, that their acquittal of an innocent man might bring down on themselves and their country the chastisement of foreign nations.

Before I conclude my remarks on this part of the Charge, I cannot refrain from noticing the very odious impression it is calculated to give the world with respect to the government, and the character of the American nation.

It is well known, that, at the time when the paragraphs against Spain and France were published, and when the charge was delivered, the former nation were openly violating of their treaty with this country, which had just then been grossly insulted by their minister; and that the latter were plundering its commerce in every part of the world, blocking up its rivers, lashing its sea-faring citizens like convicts, and driving its humble negotiators from their capital with scorn and reproach. These circumstances taken into consideration, what must foreigners infer from the Charge? Will they not say, and very justly too, ‘such is your *liberty* ‘*of the press*, such your *boasted independence*, that, ‘let a nation trample on your rights, deride, insult, ‘rob, and torture you, and your government ‘ever stands ready to inflict the *punishment of a murderer* on the first man, who, in resenting your ‘injuries, shall step one inch beside the line of the ‘labyrinthian law of *constructive libels*; and this ‘cruelty it condescends to, lest its lenity to its ‘friends and supporters should give umbrage to an ‘insolent and perfidious foe!’—Yes; this will they say; and if there be an American, who can patiently bear the disgraceful imputation, I admire his Christian humility; but I envy him not his *liberty*, his *independence*, or his *republicanism*.

After all, allowing that America is so beggared in means, and so humbled in spirit; allowing these

independent states to be already reduced to a pitch of general vassalage, that renders such a sacrifice to the pride and insolence of foreign nations prudent and necessary ; allowing that the Judge made all this appear to be true, let us return, and see what the printers of the *French faction* have published against other governments, nations, and princes, without his feeling himself “ impressed with the “ duties of his station” to *bind them over*.

Now, reader, prepare yourself for a catalogue of the most indecent, black, and infamous-ly libellous expressions, that ever dropped from the lips or pen of mortal man. The French lan-
guage is very weak and steril compared to ours, particularly in terms of reproach and abuse. Their rascals spend their breath for half an hour in noisy volubility, to produce a faint idea of what ours can express in one short grind of the teeth. But, all this bitterness, all the force and fury, of this our dear mother tongue, the crafty Gaul has, we are now about to see, had the address to bring over into his own service.

To begin with **CALLENDER** : this little reptile, who, from outward appearances, seems to have been born for a Chimney sweep, and to be now following the footy trade, made his escape from the hands of Justice in Scotland, in the year 1793, after being apprehended as the author of a libellous pamphlet, entitled “ *The Political Progress of Britain.* ”

This work, which is of considerable bulk, is nothing but a string of falsehoods, interspersed with the most audacious libels on the British ministry, and every branch of the Royal Family ; which latter the author calls, the “ *ruffian race of British Kings.* ”—In one place he calls the Right Honourable Willliam Pitt, a *hardened Swindler*, and in another, he calls His Royal Highness the Prince

of Wales *a murderer*. He, in one short sentence, consigns to infamy both the Royal Family and the people at large. "Since the Norman Conquest," says he, "England has been governed by thirty three sovereigns; and, of these, two thirds were, each of them by an hundred different actions, *deserving of the gibbet*; and the people seem to have been as perfectly divested of every honourable feeling, *as Majesty itself*."

Well, this pamphlet, though abounding in such atrocious libels as these, and though the author, in his preface, boasts of having been obliged to fly from his country for publishing it, was republished in Philadelphia, and was never *discountenanced* by the government of the Chief Justice. Nay, CALLENDER says, in his preface, that *certain gentlemen*, and particularly *Mr. Jefferson*, the Vice president of the United States, had *encouraged him* to give an American edition of this infamous performance!

I have a dozen sources to which I could apply for libels against foreign princes and states. BROWN has been guilty of crimes of this kind without number, and so have DUNLAP and his successors. The CLAYPOOLES, no longer ago than September last, calls Her Majesty the Queen of Portugal a *Crazy Lady* and a *Lunatic*. OSWALD, to the day of his death, published at least forty libels regularly two days in a week; but he is dead; I shall therefore leave him, and come to BACHE, the Chief Judge's companion at Civic Festivals.

There is not a prince or power of Europe, who has discovered the least inclination to oppose the French, or discredit their infamous principles, whom this catiff printer and his supporters have not libelled in the most outrageous manner.—The Emperor of Germany and his generals have been called *thieves* and *scoundrels* a thousand times;

the King of Prussia, before his defection, was called a *Sharper*; the Empress of Russia, in No. 1361, is called a *She Bear*. But, the British nation, government and king, have been the constant objects of their most wicked calumnies. MR. SMITH, of Baltimore, in open Congress, called the King of Great Britain, “*a monster; a king of sea robbers.*” His *decent* speech was published in all the papers of that day. BACHE, in his paper, No. 1036, says of Britain, that “*dishonour mark her “councils and her actions.*” In 1041, he calls the British a “*perfidious nation.*” In 1081, he calls Britain “*that proud, tyrannical, and infamous kingdom.*” In 1083, he calls the people of Great Britain “*the bloody savage islanders.*” The government, in various papers, he calls, “*that corrupt monarchy—“that corrupt government,”—“a mixture of tyranny, profligacy, brutality, and “corruption.”*—In the letters of Franklin, published in his paper, he calls Admiral Murray “*free-booter Murray.*” In 1033, he calls His Britannic Majesty, “*a prince of robbers.*” In 1048, he calls him, “*that prince of land and sea robbers, “GEORGE III.*” In 1031, he says, speaking of Great Britain, “*I pledge you my word, “that I “should heartily rejoice, if the Royal Family were “all decently guillotined.*” And, finally, not to tire my readers with the abominations of this atrocious miscreant, he puts a *mock speech* into the mouth of the king of Great Britain, and makes him conclude, as *under the gallows at Tyburn!*

Here are insults, if you talk of insults, to foreign nations. Nor are these the worst. A pamphlet once before quoted, called a *Rub from Snub*, has the following “*decent*” lines; I will not call them *verses*.

" God scourge Old England's king,
 " To earth the direful spring
 " " Of tears and blood :
 " May all such rascals fall,
 " Lords, dukes, and devils all,
 " " Biting the mud."

" When *Britains beast* shall be
 " Disfrob'd of royalty,
 " " Discord shall fly ;
 " But while *the monster's* jaws,
 " Fix'd at her vitals, knaws,
 " " Freedom shall die."

" Why should Columbia's fire,
 " Her ancient flame expire,
 " " While nations rise ?
 " Still the *Brute Royal* raves,
 " Unchains his *British slaves*
 " " Fierce in your eyes."

" Why did just heaven ordain
 " Kings and their *miscreant train*,
 " " Pests to this world ?
 " Deep in hell's ruthless flame,
 " Shrouded in endless shame,
 " " May they be hurled."

Was there ever such abominable outrage as this offered to mortal man any where but in America? No: since the art of writing was discovered, there never were such libels tolerated against any human being, whether friend or enemy. Yet, neither the government of Pennsylvania, nor the Chief Justice, nor any other person in authority, ever interfered. No one, amongst all these libellers, was ever prosecuted or *bound over*. Their *politics were perfectly French*, and all went smoothly on.

Let us for a moment suppose (which, however, we have no right to do), that the stupid and ungenerous prejudice prevailing against Great Britain, formed some trifling excuse for the remissness (to give it the mildest term) of the executive and judi-

ciary of the state. Still, this could not apply to the libels published against other nations and princes; some of which had, and now have, *treaties of amity* with this country, and others were not, nor ever had been, its foes.

Amongst these nations there is one, the libels against which I have reserved for this place: I mean *Spain*. For three long years the King of Spain, his government and ministry, were the subject of constant abuse and defamation. *BACHE*, in No. 1028 of his vile paper, says, “the *slaves of Madrid* “will soon shrink from the conquerors of Toulon.” And in No. 1044, he has, speaking of Spain, these words: “The *most cowardly of the human race* ;”—“the *Spanish slaves* ;”—“the *ignorant soldiery* of “the *infamous tyrant of Castille*.”

Now, this is the very same Prince, and the same people, that I have been prosecuted for libelling. Compare what I have said, or rather what I have published, concerning them; compare the passages in the Bill of Indictment with those here quoted, and then praise the impartiality and justice of the *free and equal government of Pennsylvania!* *Don Yrujo* never thought the honour of his Master, when called an *infamous tyrant*, merited his zeal to defend it; nay, the very printer, who thus defamed him, the *Don* has employed as the printer of his *insolent letter to Mr. PICKERING!* This man’s conduct is hardly worth notice; but how shall we account for the conduct of the Chief Judge of Pennsylvania? Surely the king of Spain’s character ought to have been an object of his attention *then* as well as *now*; unless we are willing to allow that no character is under the protection of the laws of Pennsylvania, unless it be of *persons devoted to the will of France*.

But, before I conclude this comparison between what I have been most rigorously prosecuted for

doing, and what others have done with impunity, I shall give the reader a specimen or two of the conduct of the officers of this Pennsylvania Government (*not excluding the Chief Judge himself*) towards foreign nations and princes.

The Governor (Mifflin) assisted at a civic festival, when the following toasts were drunk; which were published in most of the news-papers.*

“ Those illustrious citizens sent to Botany Bay. May they be “ speedily recalled by their country, in the day of her regeneration.”

“ May the spirit of Parliamentary reform in Britain and Ireland “ burst the bands of corruption, and overwhelm the foes of liberty.”

“ The Sans-culottes of France. May the robes of *all* the *Emperors, Kings, Princes and Potentates* [not excepting the *king of Spain*], now employed in suppressing the flame of liberty, be cut “ up to make breeches.”

This is pretty “ *decent*” in a *Governor*; but, without stopping to remark on the peculiar *decency* of his toasting a gang of *convicts*, let us come to another instance of his conduct, full as “ *decent*” as this.

At the civic festival, held in this city in 1794, to celebrate the dethronement of “ Our great and “ good ally, Louis XVI,” there were “ assembled,” according to the *procés verbal*, which was sent to the Paris Convention, “ the CHIEFS, civil and military, *procés verbal* contains a letter to the Convention, in which the following honourable mention is made of the Governor. “ The Governor of “ Pennsylvania, that *ardent friend of the French republic*, was present, and partook of *all our enthusiasm, and all our sentiments.*”†

* See BACHE of 11 February, 1795.

† The reader will not be surprized to hear, that this is the identical Governor, who wanted a few thousands of dollars from the

I believe they spoke truth; for the cannons of the State were fired, and military companies, with drums beating and colours flying, attended the execrable fête, one of the ceremonies of which was, *burning the English flag*; and as to the sentiments contained in the *oaths* and *speeches* (for there were both), they abounded in insults towards almost all the princes of the earth, but particularly the King of Great Britain.

M'KEAN dwells with great stress on the danger to be apprehended from insulting foreign nations, more especially those with which we have *negociations pending*, and the *persons with whom we are to treat*. Well, then, all the libels that I have here produced, against his Britannic Majesty, his ministers, and his people; and this "*decent*" conduct on the part of "the CHIEFS, civil and military, " of Pennsylvania," and on the part of the Governor himself; all these libels were published, and this conduct took place, *at the very time, when MR. JAY was in England, negotiating an amicable adjustment of differences with the British ministry and their Sovereign!*

The Chief Justice would, I dare say, be very angry not to be thought included among "the CHIEFS civil and military of the State of Pennsylvania;" but I shall leave nothing to *inference* or *supposition*. Facts are what I love, and happily his conduct and character are not in want of plenty

French minister FAUCET; and who drew, *secretly*, 15,000 dollars out of the Bank of Pennsylvania! !

This man brought a whole litter of *bastards* home to his virtuous wife. He is a shameless blackguard, a drunkard, and every thing that can be named that is vile. Such is a *republican Governor*; a chief magistrate of state, who has infinitely greater powers over life and property than King George has! !—And this I have already proved on sundry occasions.

to illustrate them. I could mention one civic festival at which he assisted, where a “revolution in “Great Britain” was toasted; and another, where a toast was, “Success to the United Irishmen,” then in open rebellion against their king; but, these would not, in point of time, be quite to my purpose: I shall, therefore, come to one instance of his conduct that is so. It is a sort of companion piece to his Charge, and it shall, for that reason, be put exactly upon a parallel with it.

Judge M'Kean's Charge,

AGAINST

PETER PORCUPINE.

“ At a time when misunderstandings prevail between the Republics of the United States and France, and when our general government have appointed public ministers to endeavour their removal and restore the former harmony, some of the journals or newspapers in the city of Philadelphia have teemed with the most irritating invectives, couched in the most vulgar and opprobrious language, not only against the French nation and their allies, but the very men in power with whom the ministers of our country are sent to negotiate. These publications have an evident tendency not only to frustrate a reconciliation, but to create a rupture and provoke a war between the sister Republics, and seem calculated to vilify, nay, to subvert all Republican governments whatsoever.

“ Impressed with the duties of my station, I have used some

Peter Porcupine's Charge,

AGAINST

JUDGE M'KEAN.

At a time when misunderstandings prevailed between this country and *Great Britain*, and when the General Government had appointed *Mr. Jay*, and sent him to England to endeavour to remove them, many newspapers and pamphlets in this city of Philadelphia, teemed with the most false, most vile, and most rascally abuse, not only against the British nation and their allies, but also against the very ministers, and the very monarch, with whom he was sent to treat. These publications had an evident tendency, not only to frustrate a reconciliation, so necessary to the peace, prosperity, and happiness of America, but to provoke a destructive war between the two nations; and were, besides, calculated to vilify, and subvert, all lawful and good government whatsoever.

Yet, THOMAS M'KEAN, the Chief Justice of Pennsylvania,

"endeavours for checking these
 "evils, by binding over the edi-
 "tor and printer of one of them,
 "licentious and virulent beyond
 "all former example, to his
 "good behaviour; but he still
 "perseveres in his nefarious pub-
 "lications; he has ransacked
 "our language for terms of re-
 "proach and insult, and for the
 "bafest accusations against every
 "ruler and distinguished charac-
 "ter in France and Spain, with
 "whom we chance to have any
 "intercourse, which it is scarce
 "in nature to forgive; in brief,
 "he braves his recognizance and
 "the laws. It is now with you,
 "gentlemen of the grand jury,
 "to animadver on his conduct;
 "without your aid it cannot be
 "corrected. The government
 "that will not discountenance,
 "may be thought to adopt it,
 "and be deemed justly charge-
 "able with all the conse-
 "quences."

never was impressed with the du-
 ties of his station, so far as to use
 any the most feeble endeavour
 for checking these evils. He ne-
 ver did punish, or prosecute, or
 bind over, or reprimand, one of
 the infamous authors, printers,
 or publishers; but, on the contra-
 ry, when the unratified treaty
 was promulgated, he appeared at
 the head of a committee in the
 State-House yard, surrounded
 with a vast concourse of rabble,
 assembled for the evident and
 avowed purpose of preventing its
 ratification. Here *Hamilton*
Rowan was, on motion from the
 chair, welcomed with many
 cheers; the rabble were called
 on to *kick the damned treaty to hell*,
 and they afterwards went and
 burnt it, with every mark of ha-
 tred and insult, *opposite the door*
 of the *British Ambassador*!

There is the text, reader: make the comment
 yourself; for I have not language to do justice to the
 indignant feelings that it excites in my breast.—
 Sum up the evidence, and judge of the candour
 and impartiality of the Chief Justice of Pennsylvania. All that could be conjured up against me, was included in the Bill of Indictment, the very
 harshest expression to be found in which, is, my
 calling the King of Spain a *degenerate Prince*:” while I have proved, from papers and pamphlets
 now in print, and to be come at by every one, that
 others have printed, and published to the world,
 that Mr. Jay is a “damned arch traitor,” General
 Washington a “patron of fraud, a legalizer of cor-

“ruption, and an assassin;” that the Empress of Russia is a “she bear,” the King of Prussia “a sharper,” the Queen of Portugal a “lunatic,” the Prince of Wales a “murderer,” the King of Great Britain a “brute, a monster, a rascal, and a robber, worthy of the gibbet;” and, lastly, that the King of Spain, whom I only called a degenerate prince, has been boldly declared to be “an infamous tyrant!”—And, I again and again repeat, that the Chief Justice has suffered all this to pass immediately under his sight, unprosecuted, unreproved, and unnoticed; while my publications have been watched with a never-slumbering eye, and prosecuted with a rigour unparalleled; while two thirds of a charge to a Grand Jury have been directly pointed at my person; while every severe maxim of our own law has been sought out; and, as if all this were not enough, while the bloody twelve tables of Rome, and the laws of Valentian have been resorted to, in order to excite a horror of my offence, and to draw down punishment on my head, for publishing what an enlightened and honest Grand Jury has determined, *not to be libellous!*

How difficult soever the reader may here find it to repress the emotions, which such hitherto unheard-of conduct is calculated to excite, I must beg him to indulge them, 'till I have drawn his attention to a fact, which, in the crowd of matter, I dare say has escaped him.

I have amply proved, that the pretended libels, for which I have been prosecuted, are to the real ones, published by others, what the glare of a taper is to a city in flames. I have proved that the very monarch, whom I termed a “degenerate prince,” has been, by others, proclaimed as “an infamous tyrant.” But, there was yet one fact wanting to

render this scandalous prosecution complete; and that fact is at hand.

The reader, by turning back to page 29, will perceive, that one of my “false, scandalous, and “malicious libels,” as they are most falsely and scandalously called, did not originate with me, nor in my paper. It was copied from Mr. FENNO’s paper of an anterior date. This material circumstance was, very cautiously and candidly kept out of the Bill of Indictment, though the heads and titles of the other two publications were mentioned; and there is every reason to believe, that it escaped the attention of the Grand Jury.

The Indictment, as is usual, concludes with stating the tendency of the crime, part of which is, “the *evil example* of all others in the like case of “fending.” This is most certainly very proper: for, to prevent the effects of *evil example*, is, or ought to be, the principle object of all punishments. But, how could I be said to set the *evil example*, when it was notorious that I had been far surpassed by others, who had never been called to account, and when the very publication, for which I was prosecuted, I had copied, word for word, from another printer, a native of the country, and living in the same city with myself? Mr. FENNO has never been *bound over*. He has never been arrested: nor has he been even spoken to on the subject. He has heard of my being prosecuted; but he little imagines it was for his crimes.

Thus, in the capital of America, amidst all its *vaunted liberty of the press*, and under the “*equal*” and “*humane*” laws of Pennsylvania, another man has been allowed to print and publish, not only with impunity, but without proof, a paragraph, for the republishing of which I have been seized as a criminal, exposed to the danger of a heavy fine,

of imprisonment at hard labour, of being crammed into a dungeon, and *of suffering the punishment of a murderer!*

Is this your *republican justice*? Is this the blessed fruit of that *liberty*, to obtain which all the horrors of a revolution are to be encountered, kings are to be hurled from their thrones, and nations deluged in blood? Was it for this that America maintained a ten years desolating war; that all the ties of interest, of allegiance, of friendship, and of nature, were rent asunder, and that a hundred thousand of her sons were stretched dead on the plain!—Talk not to me of your sovereign people, and your universal suffrage; of your political liberty and your equal rights: they are empty sounds, which I regard not. Give me security for my person and property; or, at least, let me share the fate of my neighbour. “Send us (said the Israelites of old); “Send us, O Lord, a king, that he may render us *justice*.” To ensure this last mentioned inestimable blessing, is the end of civil society, and ought to be the great object of all political institutions. *Justice* is the soul of freedom, as *impartiality* is the soul of justice; and, without these, *liberty* is an impostor, and *law* is a farce.

I should here bid the reader adieu, leaving him to pour out his soul, like Judge M'Kean, in hannahs for the “temporal blessings of the Representative Democracy, which the Almighty, in “his great mercy, has vouchsafed unto us;” but I have pledged myself to prove, that the *British press* is *much freer than that of America*; and, notwithstanding “the blessings, in great mercy, vouchsafed unto us,” I fear not, that, with the indulgence of the reader, I shall make good my promise. For the motives from which I do this I am responsible to no one: if, however, an apology is thought

necessary, let it be sought for in the abominable treatment I have experienced.

Since the revolution, which terminated in the independence of these States, almost every publication here, and every democratic one in Great Britain, have held the liberty of the American press up in triumphant exaltation over that of the press of Great Britain. How many volumes might be filled up with instances of this sort! How many thousand times is the vain boast repeated in the course of each revolving sun! To refer to particular publications is like seeking for proofs of daylight or of darkness: but, there is one that I must refer to, because it so aptly answers my purpose. It is a letter of the arch sectarian PRIESTLEY, who, not content without companions in his fallen state, has spared no pains to inveigle his countrymen hither. He tells the people of England, in his letter, sent there to be published, that “ *Here* (in *italicks* to mark the contrast) “ *Here* the press is free. *Here* truth is “ not a libel.” This satanic letter contains many other assertions equally *false*, which I may one day or other expose; but, at present, I notice only what appertains to my subject.*

The poor Doctor was always a bold assertor; but, in the case before us, I must confess, a more scrupulous man might have been led into the adoption of a falsehood. The peal has been so incessantly rung in our ears; we have been so bored with it in

* The letter, of which I speak here, I have a copy of by me, in a Liverpool paper.—But since the Doctor wrote that letter, it seems, experience has changed his opinion.—He has suffered the just punishment of his malignancy against his country; he has been cheated, neglected, and scorned. He now is in an obscurity hardly penetrable; he is reduced to poverty, and is bursting with vexation. All this has had an effect; and I will state as a fact, which I call on him to deny, if he can; that he has lately declared, that “ *republi-* “ *can governments are the most arbitrary in the world!!!*”

all seasons, at all hours, eating, drinking, and sleeping time not excepted, that it required a degree of incredulity rarely to be met with to resist the temptation to belief. The assertion is, nevertheless, false; and it is a falsehood too, which the safety of every one (particularly *a foreigner*), who touches pen or types, requires to be clearly and fully exposed.

That TRUTH may be a libel in Great Britain, and that it cannot be a libel here, is generally believed; and is thought to constitute the difference in the laws of the two countries, on this head. But this is no more than a vulgar notion, taken up from ignorance, and propagated from vanity and envy. I defy any man to produce me a single law, or a single constitution (for, "thank God," as the Judge says, we have many); I defy him to cite me a clause or sentence, that says, or that leaves room to suppose, that *truth* may not be deemed a libel, here as well as in England. The United States, and the individual States of Massachusetts, New Hampshire, Vermont, Maryland, North Carolina, and Kentucky, each of them say, that "the *press* "ought to be free," in a short vague sentence, of which any lawyer of a common capacity would give as many different interpretations as there can be rung changes upon twelve bells, which are said to amount to some millions. Pennsylvania and Tennessee say the same, and more. They say, with the other States, and with the laws of England, that *the press shall be free*; and they add, that "in "prosecutions for the publication of papers, investigating the *official* conduct of *officers*, or where "the matter published is *proper for public information*, the *truth* thereof may be given in evidence." Connecticut, New York, New Jersey, Delaware, Virginia, South Carolina, and Georgia, have had

the prudence to say nothing at all about the matter; and, as to Rhode Island, its constitution is neither more nor less than a new edition of the Charter granted them by "the abundant grace, certain knowledge, and mere motion" of King Charles II. Thus it stands, bound up with the other fifteen constitutions, without the addition or exclusion of a single word.* And, all the other States, without one exception, have taken special care to bind down their rulers *never to deprive them of the common law of England*, but to preserve it inviolate to them and their children. Amidst all their vagaries, when they were stark staring drunk with revolutionary triumph, they had the good sense, the saving grace, to cling fast round this old trunk of solid and substantial liberty. Long may they hold by it, and never suffer it to be chipped away by quibbling statutes and partial Judges!

Hence, then, it happens, very luckily for me, that, if there be any State, in which the common law of England, respecting libels, is departed from, it is poor Pennsylvania. And, what is the mighty "blessing" she has had "vouchsafed unto her?" Why, "in prosecutions for the publication of papers investigating the *official* conduct of *officers*, or where the matter published is *proper for public information*, the *truth* may be *given in evidence*." So that, you will please to observe, Messieurs authors and printers, that, first, the person about whom you publish must be *an officer*; and next, you must touch upon nothing but his *official* conduct. Pre-

* Let those, who contend that the Americans have *gained* by their revolution, repeat this with shame. The old charter of Charles II. one of the worst of the English kings, is their present *constitution*: and yet this is the people, who wanted a revolution to obtain liberty, and whom the people of England are called on to imitate!

cious privilege ! It is a mere net to catch the unwary: it leaves not the least scope for censuring any public man whatsoever, but seems, on the contrary, intended to shelter his faults and his crimes from the lash of the press. By declaring that the *truth* shall be admitted as evidence as to such publications only as touch his *official* conduct, his private character and conduct are held up as sacred and inviolable.

But, the Judge, the expositor of the constitution, goes still further. He tells us, that the publications, respecting the *official* conduct of officers, must not only be *true*, but "*candid*" and "*decent*" also. This is a maxim laid down in his charge, and every one will agree, that he was ready to put it in practice. Comfortable writing and publishing it must be, thus penned up with vague and indefinite epithets ! *Truth* may be defined and ascertained, but what publication is there, which, by some quirk or other, might not be represented as *uncandid* or *indecent*?—Yet, as if this left the press still *too free*, the Judge tells us, that such publications must not only be *decent*, *candid*, and *true*, but, besides all this, they must "have an eye *solely* to the *public good*."—Here is a pretty latitude for quibble and litigation ! Not only the *facts* are to be established, and the *manner* and *style* approved of by the court, but even the *motives* of the writer are to be enquired into, and may be construed into a ground for punishing him !

One would now think that the officers of Pennsylvania were safely enough fortified against the attacks of the press; but the Chief Justice was resolved to guard them at every point; and, therefore, after throwing up bastions in abundance, and out-works upon out-works, he surrounds the whole with a line of contravallation, thus:—"Where *libels* are printed against *persons employed in a*

“ *public capacity*, they receive an *aggravation*, as “ *they tend to scandalize the government*.” Charming liberty of the press! Against men thus defended, what devil of a printer is there, who will ever dare to fire a single shot? Suppose, for instance, that a Judge were to be guilty of some most vile and infamous offence: suppose he were *to thieve*; one would think that a free press should take some little notice of it; but you must not do it, because thieving is not (or, at least, I am sure, it ought not to be) the *official* conduct of a Judge, and therefore the truth cannot be given in evidence; and because the libel would “ receive an *aggravation*,” as it would most certainly “ *tend to scandalize the government*.”* Thus is the press of Pennsylvania nailed down; but if such a thing had happened in England, or in France, previous to the revolution, the printers would have blazoned it from one end of the empire, nay, from one end of the world to the other; and if they could have found a conveyance to the Moon, thither it would have gone. It is right to curb such “ *licentious*” fellows. Their blabbing ought to be prevented; and for doing this, give me not a mighty

* A Judge of Pennsylvania, REDMAN, was, in November, 1795, caught thieving in the shop of Mr. FOLWELL, the dry-goods merchant in Front Street.—Mr. Folwell detected him, took the money (300 dollars) from him, and kicked him into the street.—His friends, amongst the most intimate of whom was *His Excellency* the Governor, advised him to *retire*; and he is now living at his ease about twenty miles from the city.—No justice was ever done to him; he was never censured, not even in the newspapers! Such is the cowardly, base, and worthless press of America. Such are *republican judges*, and such is republican morality! But this is not the worst.—I know a judge who has *committed murder!* wilful murder, and that, too, *previous* to his appointment by this our republican Governor!

I only give a sort of hint here.—One day or other, if it pleases God to spare my life, I will publish such a collection of facts, as shall shock the universe.

kingdom with standing armies and lettres de cachet, but give me a little snug "Representative Democracy," armed with the power of *binding them over at discretion*, and inflicting on them *the punishment of a murderer*.

As to the latter provision of the clause above quoted, that the *truths* published must be *proper for public information*, it is far worse than nothing; for, what is *proper for public information* is no libel according to the common law, and therefore no *truth*, nor any evidence whatsoever, is necessary to justify its publication, in the eye of the law; but, according to the new maxim, what is very proper for public information may be a libel, if the truth of every word of it cannot be established.

I think I have now satisfied the reader, that, in point of law, the American press has gained nothing over that of Great Britain. But, the Chief Justice, as if he really intended to aid my undertaking, and to do away every doubt on the subject, took good care to tell the Grand Jury, that, *with respect to libels, the common law was confirmed and established by the Constitution itself*. Where then is the advantage derived from the new order of things? If the constitution of Pennsylvania, which is, according to the modern application of the word, the freest in America; if this constitution has done *no more* than confirm and establish the common law of England, with respect to the liberty of the press, how can any man have the impudence to boast of that liberty being greater here than it is in England, where that same common law still exists in all its plenitude and purity, and is administered by men the most learned, independent, and righteous, in the world?

Thus far, then, the liberty of the press is, in the eye of the law, the same in both countries; but this

does not prove that there exist no circumstances in America, peculiar to it, which render the exercise of this liberty unsafe, and of course restrain its operation. It is not only the principles professed in a country that we are to look to, but also the *practice* of that country. The thing called the constitution of France, for example, says, that the *free use* of the press is a right *sacred* and *inviolable*; but this does not prevent the tyrants from seizing the printers by scores, and transporting them without a trial and without a hearing.

The press has been, and still is, restrained in this country, 1st. by the notion, which has been, for evident motives, inculcated by artful men, that no *private character* ought to be publickly censured. 2nd. by the very dangerous privilege, which *foreign agents* possess, in having *a choice of governments*, under which to bring their prosecutions. And 3d. by the terror necessarily excited in every printer, by the *disgraceful and cruel punishment*, to which he is liable.

As to the first of these restraints, nothing can give a better idea of the extent to which it is carried, than the bold assertions contained in the Chief Judge's Charge. He tells us, that, though a publication may not reflect any moral turpitude on the party, it may yet be libellous, if it *thwarts the said party's desire of appearing agreeable in life*. This is a very comfortable doctrine to every scoundrel, and particularly to every *whore*, for you will not find one of either description, who does not desire *to appear agreeable in life*. The reasonableness of this doctrine his Honour supports by telling us, that if any man does wrong, recourse may be had to the courts of justice, and that there can be no necessity, *nor reason*, for appeals to the people in *news-papers* or *pamphlets*.

Thus you see, if his Honour shuts up the press, he has the goodness to open his court to us*. But, if I were to see one officer of government go staggering drunk through the street, on his return from a civic festival; or another, from the same cause, reeling into his seat, must I hold my tongue, or go to law with them? If a swindler, a man of the basest character, the most treacherous, and corrupt of mortals, were to propose himself as a candidate for a seat in the Legislature, must I say nothing about him; must I not throw out even a hint to the people, to warn them of their danger? If a Judge, or any other awful character, were to be detected in shop-lifting, or in the commission of any such base and infamous crime; or if a lady were to choose, now and then, to relieve her husband by retiring a few months to the arms of a friend, must I sew up my lips, and must my press be as tame and contented as the cuckold himself?†

Such may, indeed, be the practice of the American press; but is it that of the press of Great Britain? Only compare one of the London papers with an American paper, and you will soon see which comes from the freest press. Is there a crime, is there a fault or a folly, which the editors and print-sellers in London do not lash? They dive into every assembly and every house, they spare characters neither public nor private; neither the people the gentry; the clergy, the nobility, nor the royal

* Where *his own son* is a pleading lawyer. The Judge himself sometimes acts as a lawyer in other States.

† A Pennsylvania *Judge's wife* had, a little while ago, a child by a man who kept a livery stable. *His Honour*, the Judge, had been absent for three years, in the western territory. The *lady*, says the stable-man, is the best of the two, and she has married him, though *his Honour* is still living. I need not name the parties, for though the cowardly newspapers have never noticed the affair, it is notorious enough.

family itself are sheltered from their ridicule or their censure. Let any American but open PETER PINDAR's works and the LONDON MORNING CHRONICLE; then let him read Judge M'Kean's Charge, and blush at the boast that has been so often made about the liberty of the press.

I am far from approving of all, or of hardly any thing, contained in the works of Pindar and the Morning Chronicle: the Chronicle is the devoted tool of an infamous Jacobin faction, and the far greater part of Pindar's monotonous odes are an outrage on decency, on truth, and on every principle, moral and religious, by which a man of learning and talents ought to be directed. But because public censure and ridicule, when grounded on *falsehood*, is unjustifiable, it by no means follows, that the press is to exercise no censorship at all; that it is not to record evil as well as righteous deeds; that it is not to check the follies and vices of the times; that it is not to exert its wholesome and mighty influence on society, but become the mere echo of the bench and the bar. No; this does not follow; yet, this is the practice of the American press.

Come to my office, reader, and look over (if you have patience) the leaden sheets that are hither dragged from every quarter of the country. If they have one single shaft of satire, except it be on the old hackneyed subject of king-craft and priest-craft, I will suffer you to suffocate me by reading me their contents.—And what is the reason of this? Is it that this blessed “ Representative Democracy, “ which, *in great mercy*, has been vouchsafed unto “ us,” preserves us unsusceptible of folly or vice? Is it that we are all wise, moral, religious, and pure as the driven snow? Is it, my God! that we know of no such thing as drunkenness, adultery, swind-

ling, corruption, or blasphemy?* Or is it that we wish to keep these things hidden from the world?—If this could be done, and if silence would produce a reformation, I would willingly consent,—not to become as tame and insipid as my brethren, but to throw my press into the river. But this is impossible; since whatever exists, is, and must be, known; and since wickedness the longer it remains unchastised, the more inveterate it becomes. Since this is the case, the most rigid censorship in the press is absolutely necessary, to check, in time, that which, if suffered to pass unnoticed, will most certainly, sooner or later, end in general degradation and ruin.

Yet, this timely check; this salutary and costless chastisement, must remain an useless instrument in our hands, because, forsooth, the villain and the strumpet “*desire to appear agreeable in life,*” and because an exposure of their turpitude will “*stain the honour of their families!*” For this cogent reason, the good and the bad, the upright statesman and the traitor, the man of integrity and the rogue, the virtuous matron and the whore, are all to be jumbled together, and the world is to take us in the lump, or not at all.

But, may it please your Honour, this will not do. We know well, that the world is very ill-natured, and that, when it judges in the lump, it very seldom looks at the best side. Men of reputation,

* There are more bastards born annually in the single State of Pennsylvania, than in all the British dominions; and as to cuckoldom, I will only say, that every paper teems with *advertisements of wives eloped from the bed and board of their husbands.* I do not hence insinuate, that there are *no good people* here. There are many. As many as in most countries; but then people will, and do, allow, that the morals of the country are approaching fast to that state, which never yet failed to prove the ruin of every thing held in esteem amongst men.

therefore, do not approve of this jumbling work. They wish to be distinguished from those that have none. This can be done only by the detection of vice, and by exposing it to public censure ; and I beg your Honour's leave to add one concluding observation of my own, which is this : *that I never yet knew a single person, man or woman, extremely anxious to restrain the liberty of the press, in this respect, who had not very sufficient reasons for so doing.*

The next restraint on the freedom of the American press, is the very alarming privilege which *foreign agents* possess, in having *a choice of governments*, under which to bring their prosecutions.

I have already, in the former part of this pamphlet, said how the press, in various parts of the country, has been kept in slavery by the unpunished violence of the domineering French faction ; and, in the relation of the treatment I have met with, I have clearly proved what every printer of any independence of spirit has to expect from another quarter. This situation of things, however, has been produced by a combination of singular circumstances, and it may probably wear away as those circumstances change. But the evil of which I have now to complain, is of a nature not to be worn away by the hand of time alone. It is built on law and constitution, or, at least, it operates as if it were, and admits of no remedy, except by some positive act of the convention or the legislature.

It was hoped (though, it must be confessed, with very little reason), that America, when separated from Great Britain, would never more be affected by the quarrels of European nations. PAINE told the people, that they would have nothing to do but grow rich, while other nations should be at war. "Our " commerce," says he, " will always secure us the

“ *peace and friendship of all Europe.*” This, by woeful experience, we find to have been like all the rest of shallow-headed Paine’s predictions. But, this is not the worst. Not only does America feel the pressure of European wars, in a degree equal to that felt by the people of Great Britain at this moment; but she is cursed with a foreign faction in her bosom, by which she is continually curbed, harrassed, injured, insulted, and betrayed.

The politics of the country are become so connected, so interwoven, with the politics of other nations, France in particular, that they are never spoken of in any other than a relative light. I verily believe, and indeed I am certain, that, as to numbers, men are more equally divided, at this time, between the Federal government and the French, than they were in the year 1778, between the Congress and the King of England.

Nor does this pernicious division stop here. The State governments have their sides, One State is called a *Federal State*, and another an *Antifederal State*; and it is notorious, that the politics of the persons, who administer these subaltern governments, are generally fixed and uniform on one side or the other.

In such a state of things, only think of the danger of allowing foreign ministers and agents to choose the government, under which to bring their prosecutions! Possessing this dreadful privilege, will not every foreign agent take good care to institute his prosecutions under that government, to which the party prosecuted has, by his politics, rendered himself obnoxious? And, where this can be done, what sort of chance, I pray, is there for a man who meddles with the press, and who happens to be situated in a State, where he must of necessity be obnoxious to one of the two governments under which he lives?

My own case is a striking exemplification of the danger of this privilege. Yrujo, the Spaniard, applied first to the Federal Government to prosecute me, and was informed that it would be done in the Federal courts. But, this he remonstrated against, and requested that it might be done in the courts of Pennsylvania: in which courts M'Kean is Chief Judge.—Now, why this request? Why prefer one jurisdiction to another? The courtss are held at the same place, and nearly at the same time. The Judges of the Federal court are men famous for their learning and their integrity; and, I am sure, ordering the trial in this court ought to have been looked upon as a mark of respect to the Spanish King. How, then, are we to account for this extraordinary request?

Leaving the reader to account for it in his own way, I shall tell him that the request was refused; and that, then, a new prosecution was set on foot under the government of Pennsylvania. The matter contained in the Bill of Indictment was hunted out; and, let it be well remembered, that every pretended libel contained in this Bill, was published *before I was bound over on the first complaint.* In possession of this fact, the reader will be able to guess what the hopes of the prosecutor were founded on.

The matter in the Bill of indictment, if libellous, was surely so before I was bound over the first time. How comes it then, that it was not included in the first complaint? This puzzled the Grand Jury. The thing appeared so unnatural to them, that they sent for the two Attorneys General to explain the mystery; when it was found, that they had taken care, in drawing their indictments, to steer clear of each other; in doing which, I, by-the-bye, do not mean to hint, that either of these gentlemen did any more than his duty.

Thus was seen the singular phenomenon of a printer prosecuted by *two governments*, at one and the same time, for different parts of one and the same offence! And this is *American liberty of the press!*

Did Englishmen ever hear of any thing of this kind before? No; they have *one Government, one law, and one constitution*, for all. In their country, neither foreign nor native, plaintiff nor defendant, has a choice of jurisdictions, tribunals, or judges. Where the offence is committed, there must it be tried. They have no clashing of governments of opposite politics, under which every printer is in hourly danger, from the intrigues of foreign agents, and is obliged to tack and shift, like a polacre with contending winds between Sylla and Charibdis. No; in England, all is fair and free. The path is simple: the law is one and the same, and is equal in its operations in every place and towards all parties. It is founded in wisdom and in justice, and is administered with candour, impartiality, and mercy.

The third restraint on the liberty of the American press, and the last which I shall notice, *at this time*, is, *the fear which must be naturally excited in every writer and printer, by the disgraceful and cruel punishment to which he is continually exposed.*

After all that we have heard and seen about the *mildness and humanity* of the American laws; after all the cant of the *tender hearted* Brissot; after all the silly eulogiums on the prisons of Philadelphia, spread abroad in pamphlets, speeches, and paragraphs: and after all the sarcastic and acrimonious invective which the American press is continually pouring out against the *sanguinary* code of Great Britain: bored with all this, I say, even to forfeiting, my present complaint must appear very ex-

traordinary. Let it. All that I have to do, is to prove it well founded.

The liberty of doing any thing, is greater or less, in proportion to the punishment that the law awards for it. I am, therefore, far from pretending that the Americans do not, in some respects, possess more liberty than the English. They are in less danger, when they steal, rob, forge, coin, and murder: for, these crimes are here punished with *fine, jail imprisonment, imprisonment at hard labour, or solitary confinement*; whereas in England, they are punished with *death*. But, let those, who have reason, boast of this sort of liberty. It is not what I want. I only contend for liberty to write and to print.

This liberty is a right, sanctioned by law, as far as a certain line, all beyond which is called libelling. This line reaches, as I have clearly proved, just as far in America as it does in England, and no farther. All that we have to do then is to see, which country inflicts punishments the *least severe* on transgressors; for, in that country the press must be *most free*.

By only casting our eyes on the Chief Judge's Charge, we shall perceive, that the punishments are ten fold more severe in America than in England. In England, a transgressor of the laws of the press, or in other words, a libeller, is punishable by *fine*, by *imprisonment in jail*, by *standing in the pillory*; or by any two, or all three of them. But, what is his punishment in America? Why, in the first place, *fine* and *jail imprisonment*, as in England, and to these may be added, *imprisonment at hard labour*, and even *solitary confinement in a dungeon*, at the *discretion of the court*; and all this too in a country, where the prosecutor may have *a choice of courts*!

As far as relates to *fines* and *jail imprisonment*, the code of the two countries is the same; but

instead of the momentary shame of the pillory, the American libeller, whether writer or printer, is liable to the lasting pain and disgrace of hard labour, and to the more horrid punishment of the dungeon. Standing in the pillory, which is the worst an English libeller can undergo, is over in a few hours. The sufferer is then placed in jail, where he is as free as a detention of his person will admit of. He can see, hear, read and converse. He is at ease; can be visited by his friends; nay, *Callender*, (the run-away Scotchman) boasts, that his associates even sold their libels in Newgate. What is this punishment compared to continual *hard labour*? And what is hard labour or any thing else, compared to being thrown into a cell, and cut off, not only from friends and family, but from every human being?

But we must not drop the subject here. Punishments, as to their influence in society, and consequently as to their restraint on the press, must be considered *relatively*; for, what may be a very light punishment in one country, may be a very heavy, and even a very cruel one in another. In England, for instance, robbery, forgery, murder, &c. are punished with *death*: in America these crimes are punished with *hard labour*, or *solitary confinement*. So that, to inflict these latter punishments on a libeller *here*, is exactly as cruel as it would be to inflict death on him in England.

What were the motives of the rulers, who lessened the punishment for *murder*, and other horrid crimes, while they augmented the punishment for *libelling*, I must leave those to determine, who boast so much about the liberty of their press; but, this I will undertake to say, that it is most excellently calculated to restrain, intimidate, and over-awe, every one who has any thing to do with writing and printing. What man will ever

dare to communicate his thoughts to the public, while it is probable, or even *possible*, that his writing will procure him a place in that “*temple of humanity?*” as it has been called, the Philadelphia prison; where, dressed in a jail uniform, penned up amongst run-away thieving negro slaves; amongst robbers, forgers, sodomites, and murderers; where, in short, amongst convicts of every colour and of every crime, he is employed in the polite art of pounding hemp, with the infinite satisfaction of being exhibited to travelling *philanthropists* as a “*living monument of American mildness and humanity?*”—And if this be too much for a man of reputation and talents to bear, how shall he dare to brave the horrors of a cell; to be secluded from his friends, parents, wife, children, and all that renders life worth possessing; to be barred up for months, or for years, like a condemned malefactor; and this too at the discretion of a court, chosen, perhaps, by his prosecutor.

Did Englishmen but, why do I pursue the odious comparison?—Did even Frenchmen ever feel a restraint like this?—The Bastile!—It was bad enough, to be sure; but, a writer confined there, had, at least, the consolation of knowing that he was distinguished from felons and murderers. Though far too severely punished, he was not covered with everlasting disgrace and infamy. Literature, though the abuse of it was cruelly chastised, was not degraded, was not rendered at once hateful and despicable, as it is by the indiscriminating code of Pennsylvania.

Yet, notwithstanding all we have seen, the Chief Judge has the modesty to tell the Grand Jury, from the bench, that “*the criminal law of this State is so pregnant with justice, so agreeable to reason, so full of equity and clemency, that even those who suffer by it, cannot charge it with ri-*

“gour!!!”—This was too much. He might, at any rate, have spared us the mortification of listening to this. But it is the fashion. Almost every public harangue has some such vaunting conclusion. It may be good policy, to be sure, as it tends to keep the people here in excellent humour, while it excites envy in those of other nations, makes them discontented with their lot, and *invites them to cultivate the deserts of America*; but then, the greatest care imaginable should be taken, not to lay the iron finger on such men as are not formed for passive sufferance, and particularly if they are Britons; for they, above all others, will not whisper their curses to the winds; they will turn their eyes towards their native land; they will compare what they have lost with what they have gained; nor will all the terrors of hard labour and a Philadelphia dungeon, ever, I trust, deter them from proclaiming the account to the world.

I have now accomplished my object. I have exposed the conduct of my enemies, and I have amply proved that the press is more free in Great Britain than it is in America. But, I cannot conclude without, in the fulness of my heart, giving a word or two of advice to *my countrymen*.—Such, BRITONS, is the fruit of republican government *here*; not among the apish and wolfish French; but among a people descended from the same ancestors as yourselves. When your *monarchical* government bears such fruit, let it, I say, be hewn down, and cast into the fire; but, till that disgraceful and dreadful day comes, watch over it with care, and defend it to the last drop of your blood: preserve it as you would a golden casket, the apple of your eye, or the last dear gift of your dying parents.—With this I conclude, praying the God of our fathers to lead you in the practice of all their virtues; to give wisdom to your minds, and strength

to your arms; to keep you firm and united, honest and generous, loyal, brave, and free; but, above all, to preserve you from the desolating and degrading curse of revolutionary madness and modern *Republicanism*.

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